

I believe that our leaders in the Senate and the House of Representatives, as well as our Chief Executive, represent our American type of patriot, and that the great peaceful feeling in our country, in the face of the catastrophe abroad, rests on the firm belief in our leaders and our institutions.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAILEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until Friday, August 14, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LEWIS of Maryland, from the Committee on Labor, to which was referred the bill (H. R. 12292) to prevent interstate commerce in the products of child labor, and for other purposes, reported the same with amendment, accompanied by a report (No. 1085), which said bill and report were referred to the House Calendar.

Mr. KEATING, from the Committee on Pensions, to which was referred the bill (H. R. 15402) to pension the survivors of certain Indian wars from 1865 to January, 1891, inclusive, and for other purposes, reported the same without amendment, accompanied by a report (No. 1084), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREGG, from the Committee on War Claims, to which was referred the resolution (H. Res. 591) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same with amendment, accompanied by a report (No. 1086), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FLOYD of Arkansas: A bill (H. R. 18355) authorizing the Secretary of War, in his discretion, to deliver to the town of Prairie Grove, in the State of Arkansas, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., for park on Prairie Grove Battle Field, under the auspices of the Daughters of the Confederacy; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 18356) to promote the American merchant marine in foreign trade and the national defense, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Maryland: A bill (H. R. 18357) authorizing the Treasury Department to make certain advances for the relief of the tobacco growers of Maryland; to the Committee on Appropriations.

By Mr. O'SHAUNESSY: A bill (H. R. 18358) to revive the American ocean merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. LEVER: A bill (H. R. 18359) to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Joint resolution (H. J. Res. 321) to make The Star-Spangled Banner the national anthem of the United States of America; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER: A bill (H. R. 18360) granting an increase of pension to Daniel Schunall; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 18361) granting an increase of pension to William M. Alexander; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 18362) granting a pension to Katherine Baxter; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 18363) granting a pension to Walter Thorn; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 18364) granting an increase of pension to Frances M. Eaton; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 18365) for the relief of the legal representatives of Reuben S. Jones and William N. Brown, deceased; to the Committee on War Claims.

By Mr. TAGGART: A bill (H. R. 18366) granting a pension to Elizabeth Campbell; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 18367) granting a pension to Rose Eastman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of California: Petitions of 132 citizens of Los Angeles; I. L. Creesey and 13 other citizens, of Cropido; Mrs. Edna Rees and 47 others, of Glendale, all in the State of California, favoring national prohibition; to the Committee on Rules.

Also, memorial of the City Council of Los Angeles, Cal., favoring House bill 5129, providing for the retirement of aged employees of the Government; to the Committee on Reform in the Civil Service.

By Mr. BURKE of South Dakota: Memorial of the Sioux Valley Medical Association, protesting against the Nelson amendment to the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. CARY: Petition of Woman's Home Missionary Society of Centerville, Ind., protesting against the passage of Senate bill 5697 and House bill 16904; to the Committee on the District of Columbia.

By Mr. GOOD (by request): Petition of citizens of the State of Iowa, favoring due credit be given Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

Also, petition of citizens of Marion, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Memorial of mass meeting of women of Newport, R. I., favoring passage of Bristow-Mondell resolution; to the Committee on Rules.

Also, petitions of Irving Winsor, Raymond E. Beebe, H. Tobey Smith, Thomas W. Capon, Russell, Franklin, and Henry F. Perry, of Greenville; Rev. James E. Barbour, of Pawtucket; Bertley Willey, of Johnston; Anna Williams, Margaret McL. Colman, Etta P. Field, Julia A. Manchester, and L. E. Tilley, of Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of citizens of the State of Missouri, favoring House joint resolution 201, to abolish polygamy in the United States; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petition of citizens of South Royalston and Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of Elm Lodge, No. 420, International Association of Machinists, opposing any action of this Government that would involve the United States in war; to the Committee on Military Affairs.

SENATE.

FRIDAY, August 14, 1914.

(Legislative day of Tuesday, August 11, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

REGISTRY OF FOREIGN-BUILT VESSELS.

Mr. O'GORMAN. Mr. President, with the consent of the Senator from Texas, who is in charge of the antitrust legislation, I ask unanimous consent to have the conference report on the emergency shipping bill laid before the Senate for consideration.

Mr. CULBERSON. In view of the urgency of the legislation as affecting the shipping industry I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I have no objection to that course, but as soon as the request is granted I desire to suggest the absence of a quorum, because I know there are a few Senators not here who desire to discuss the report.

The VICE PRESIDENT. The unfinished business is temporarily laid aside and the conference report is laid before the Senate. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Norris	Smoot
Brady	Hughes	O'Gorman	Sterling
Brandeggee	Johnson	Overman	Swanson
Burton	Jones	Perkins	Thompson
Chamberlain	Kern	Pittman	Thornton
Clapp	Lane	Pomerene	Vardaman
Clark, Wyo.	Lea, Tenn.	Ransdell	Walsh
Culberson	McCumber	Saulsbury	White
Cummins	Martine, N. J.	Sheppard	Williams
Fall	Myers	Simmons	
Gallinger	Nelson	Smith, Ga.	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. SHAFROTH, Mr. SHIELDS, Mr. STONE, Mr. THOMAS, and Mr. WEST answered to their names when called.

Mr. HITCHCOCK and Mr. CAMDEN entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will read the conference report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendment: In lieu of the matter proposed by the Senate insert the following:

"That section 4132 of the Revised Statutes of the United States as amended by the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone,' approved August 24, 1912, is hereby amended so that said section as amended shall read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels may engage in the coastwise trade if registered pursuant to the provisions of this act within two years from its passage: *Provided*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirements of said acts."

"SEC. 2. Whenever the President of the United States shall find that the number of available persons qualified under now existing laws and regulations of the United States to fill the respective positions of watch officers on vessels admitted to registry by this act is insufficient, he is authorized to suspend by order, so far and for such time as he may find to be necessary, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

"Whenever, in the judgment of the President of the United States, the needs of foreign commerce may require, he is also hereby authorized to suspend by order, so far and for such length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this act.

"SEC. 3. With the consent of the President and during the continuance of hostilities in Europe, any ship chartered by the American Red Cross for relief purposes shall be admitted to American registry under the provisions of this act and shall be entitled to carry the American flag. And in the operation of any such ship the President is authorized to suspend the laws requiring American officers, if such officers are not readily available.

"SEC. 4. This act shall take effect immediately."

JAMES A. O'GORMAN,
J. R. THORNTON,
JOHN K. SHIELDS,
WILLIAM E. BORAH,

Managers on the part of the Senate.

J. W. ALEXANDER,
RUFUS HARDY,
O. W. UNDERWOOD,

Managers on the part of the House.

Mr. O'GORMAN obtained the floor.

Mr. MARTINE of New Jersey. Will the Senator from New York yield to me for a moment?

Mr. O'GORMAN. Certainly.

Mr. MARTINE of New Jersey. I have a telegram, received this morning from the New York Shipbuilding Co., which bears directly on this bill, and, with the consent of the Senate, I should like to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read the telegram, as follows:

NEW YORK, August 13, 1914.

Hon. JAMES E. MARTINE,
United States Senate, Washington:

If foreign-built ships are admitted to the coastwise trade of the United States, the wages of American shipyard labor will have to be reduced to an equality with the wages paid in foreign yards or the building of merchant vessels in American yards will absolutely cease.

NEW YORK SHIPBUILDING CO.

Mr. BRANDEGEE. I send to the desk a telegram of a similar nature, which I will ask the Secretary to read.

There being no objection, the Secretary read as follows:

NEW HAVEN, CONN., August 13, 1914.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

Connecticut people have large investments in coastwise shipping, which will be seriously harmed if cheap foreign vessels cheaply manned are permitted in coastwise trade. Benedict Mason Marine Co. alone own 16 vessels, acquired in full expectation that the Government would maintain its protection to coast shipping. Please do all you can to save this investment from destruction.

JOHN T. MANSON.

Mr. BURTON. I have a telegram from the Pacific coast, which I ask to have read.

There being no objection, the Secretary read as follows:

SAN FRANCISCO, CAL., August 13, 1914.

Hon. THEODORE E. BURTON,
United States Senate, Washington, D. C.:

We most earnestly protest against bill admitting foreign ships to coastwise trade. The American coastwise merchant marine has been brought to a point second only to that of Great Britain by paying the higher standard of wages to American labor. Our ships have cost fully 50 per cent more than the foreign ships it is proposed to admit to direct competition, and this extra money was money that was spent in American labor in American shipyards. Only last year the Matson Navigation Co. spent two and a quarter million on two ships that could have been built in Great Britain for not to exceed one and a half million, and if this bill becomes a law these two vessels alone have depreciated three-quarters of a million in value. It would be a positive crime to let foreign owners step in on an equal basis and earn the fruits of our labors.

MATSON NAVIGATION CO.,
WILLIAM MATSON.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. O'GORMAN. I do.

Mr. SMOOT. I was simply going to say that I have a number of telegrams along the same line, but I shall not encumber the Record with them.

Mr. SAULSBURY. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Delaware?

Mr. O'GORMAN. I do.

Mr. SAULSBURY. I have received a cable from a friend of mine who happens to be in Amsterdam regarding the shipping bill which is being considered.

I desire to say that the gentleman who sends this cable is a great personal friend of mine. I know him very well. He has been largely interested in shipbuilding in this country at the old Roach shipyard. However, he is not now in any way connected with the shipbuilding interest that I know of, but Mr. William C. Sproul is a man of large affairs in Pennsylvania.

He has been president of the Pennsylvania State Senate for many years, and is a man who is engaged in enterprises throughout the country, in West Virginia chiefly, where, with the senior Senator from West Virginia [Mr. CHILTON], he is interested in many large enterprises. He knows as much, possibly more, about the real shipping interests in this country as any man of my personal acquaintance. I ask that this telegram be read in conjunction with the others.

There being no objection, the telegram was read, as follows:

AMSTERDAM.

Senator SAULSBURY, Washington, D. C.:

Century's greatest commercial marine opportunity for America in speedy enactment of liberal registry laws for ships in foreign trade, but protecting coastwise commerce.

SPOUL.

Mr. PERKINS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. O'GORMAN. I do.

Mr. PERKINS. I have a telegram which I send to the desk and ask that it may be read for the information of Senators.

The VICE PRESIDENT. In the absence of objection, the telegram will be read.

The Secretary read the telegram, as follows:

SAN FRANCISCO, CAL., August 13, 1914.

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

We must most earnestly protest against bill admitting foreign ships to coastwise trade. The American coastwise merchant marine has been brought to a point second only to that of Great Britain by paying the higher standard of wages to American labor. Our ships have cost fully 50 per cent more than the foreign ships it is proposed to admit to direct competition, and this extra money was spent in American labor in American shipyards. Only last year the Matson Navigation Co. spent two and a quarter million dollars on two ships that could have been built in Great Britain for not to exceed one and a half million, and if this bill becomes a law these two vessels alone have depreciated three-quarters of a million in value. It would be a positive crime to let foreign owners step in on an equal basis and earn the fruits of our labors.

MATSON NAVIGATION CO.,
WM. MATSON.

Mr. O'GORMAN. Mr. President, I desire to call the attention of the Senate to the changes in the bill which have been made in conference and to allude to some of the reasons for those changes.

The first change appears on page 3 of the bill as it passed the Senate. At the suggestion of the senior Senator from Iowa [Mr. CUMMINS], a provision was inserted at that point requiring that 51 per cent of the stock of all American corporations purchasing foreign ships must be held by American citizens. The conferees after very careful consideration reached the conclusion that the retention of that requirement would go far toward impairing the beneficent results expected of this legislation, that it would operate as a deterrent rather than an incentive to American corporations to purchase ships to be sailed under the American flag.

On the same page there is a provision stricken out which imposed a tax on foreign-built yachts. It seems that in the Payne-Aldrich tariff law of 1909 a tax was imposed upon foreign-built yachts, and in the Panama Canal act of 1912, by specific language, we retained that act, but in 1913, in the Underwood-Simmons law, the provision with regard to the imposition of a tax on foreign-built yachts owned by Americans was stricken out. Experience had shown that the Government derived no benefit from such a tax, because the American owners of foreign-built yachts did not bring their yachts into our ports or harbors, and they thus escaped the tax. When this bill was passed the attention of the committee was not called to the fact that in 1913 in the new tariff law the tax provision on foreign-built yachts which was inserted in the Panama act of the previous year had been repealed. Therefore it is stricken out of this bill, so as to harmonize its provisions with the tariff act of last year.

In lines 22 to 25, page 3, there is a provision that foreign-built vessels may engage in the coastwise trade if registered pursuant to the provisions of this act within two years from its passage. There were various reasons which induced the conferees to make this recommendation.

In the first place, it was demonstrated by the report of the Committee on Merchant Marine and Fisheries in the other House, not more than a year ago, that 92 per cent of all the vessels in the American coastwise trade are either owned or under the control of the railroads of the country or of shipping combinations which are operated in disregard of the Sherman antitrust law.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. O'GORMAN. I do.

Mr. GALLINGER. The Senator from New York doubtless has observed that that statement has been controverted, and that the statement he quotes only alludes to the regular lines, which include a mere fraction of the entire coastwise shipping of the United States—about 8 per cent of it, I believe.

Mr. O'GORMAN. Mr. President, the fact has not been disproved that to-day the railroads of the country and the great shipping combinations are in absolute control of 92 per cent of the vessels engaged in the coastwise trade.

Mr. GALLINGER. Mr. President, I absolutely deny it, and the proof has been presented and can be presented again if it is necessary. There is only about 8 per cent so controlled.

Mr. HUGHES. Mr. President, will the Senator from New York permit me to make a suggestion?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from New Jersey?

Mr. O'GORMAN. I do.

Mr. HUGHES. The Senator from New Hampshire is undoubtedly taking into consideration the large amount of shipping from port to port at short intervals along the coast which, in any event, will not be affected by this legislation. The Senator from New York is undoubtedly referring to the big steamships making long trips between distant ports along the coast.

Mr. GALLINGER. If the Senator from New York will state it in that way, that about 8 per cent, which includes the regular lines, may be controlled by a corporation or corporations, I have no objection; but when he asserts that 92 per cent of the coastwise shipping of the United States is controlled by corporations or the railroads, I must absolutely and utterly dissent from that statement.

Mr. O'GORMAN. Assuming that 92 per cent of the large vessels engaged in the coastwise trade are controlled by the railroads and shipping combinations operated in violation of the antitrust law, it follows that there are but 8 per cent of the vessels engaged in the coastwise trade available under the provisions of the Panama Canal act for passage through the Panama Canal, because it will be remembered that in the Panama Canal act of 1912 Congress provided that no vessel owned by a competing railroad or by a trust operating in violation of the Sherman antitrust law would be permitted to use the Panama Canal.

The Commissioner of Navigation, testifying before the Inter-oceanic Canals Committee some months since, estimated that of all the thousands of craft, large and small, engaged in our American coastwise trade there were probably not more than 33 ships available for use through the Panama Canal. That is the testimony of an expert, of a high official of the Government—the Commissioner of Navigation of the United States—who estimated that under the existing law probably not more than 33 ships flying the American flag would pass through the Panama Canal. If that be so, it must be apparent that it is a negligible representation of the United States through this great waterway. It is impossible for 33 ships to meet the demands of our internal commerce through that canal; and in this emergency it was thought well to permit foreign-built ships, owned by American corporations, which may be registered within the next two years, to enter the coastwise trade.

It has been stated—and it was suggested in one or two of the telegrams read this morning—that this will work a great hardship upon the American shipbuilder and the American citizen now owning American-built ships engaged in the coastwise trade. It has been stated that foreign-built ships can be purchased for 50 per cent of what it will cost in this country to build similar ships. Opinions differ with respect to that fact. I have heard the statement made that the same ship might be built on the Clyde 50 per cent cheaper than it could be built in this country, and yet I have heard the statement repeated by those familiar with the subject that the shipyards of the United States can to-day build a ship approximately as cheaply as the same ship can be built in any yard.

Certain instances were called to the attention of the committee a few months ago tending to prove that fact, and the statement has been repeatedly made—and I do not think challenged; it was made here recently by the senior Senator from Mississippi [Mr. WILLIAMS]—that there is no substantial difference between the foreign-built ship and the American-built ship in respect to the cost of construction; but there might be a great discrimination between the navigation laws of the United States respecting the operation of an American vessel and the navigation laws of other countries, which are far more liberal. That discrimination, however, will not affect any American shipowner under the provisions of this bill, if enacted into law, because the American corporation, under the provisions of this bill that takes into the coastwise trade a

foreign-built ship must operate it in the coastwise trade pursuant to every provision of our navigation laws.

Mr. HITCHCOCK. Mr. President—

Mr. O'GORMAN. Once the ship enters the coastwise trade, the foreign-built and the American-built ship stand on a perfect equality with respect to the burdens incident to operating ships in our domestic trade under our navigation laws.

Mr. HITCHCOCK. Mr. President, that was about the question I was going to ask the Senator. One of the telegrams read this morning indicated that if foreign-built vessels were admitted to the coastwise trade the result would be to lower wages paid on American coastwise ships.

Mr. O'GORMAN. Those who make that claim do not know the provisions of this bill.

Mr. HITCHCOCK. Foreign-built ships would be compelled to comply with American navigation laws and to employ American labor in their coastwise trade, would they not?

Mr. O'GORMAN. There is a subsequent provision in this bill which is the same provision that was adopted by the Senate a few days ago, permitting the President, whenever he finds that the number of available persons qualified under existing laws to fill the position of watch officers is insufficient—

To suspend by order, so far—

That means, of course, to such extent as he may deem desirable and with such limitations as he may impose—

and for such time as he may find to be necessary, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

That provision was designed for the emergency confronting us regarding our over-seas trade, and it was thought that certain foreign-built ships might take advantage of this act to fly the American flag, but that they would not do so if they were compelled to dismiss their foreign crews and officers.

Mr. BURTON. Mr. President, will the Senator from New York yield for a question?

Mr. O'GORMAN. I yield to the Senator.

Mr. BURTON. That provision was evidently drawn before it was contemplated that foreign-built ships could be registered for the coastwise trade, and it seems to me to be ambiguous in its meaning. The provision as stated by the Senator from New York is as follows:

SEC. 2. Whenever the President of the United States shall find that the number of available persons qualified under now existing laws and regulations of the United States to fill the respective positions of watch officers on vessels admitted to registry by this act—

"Admitted to registry by this act" would include not only those intended for the foreign trade but those intended for the domestic trade as well.

Mr. O'GORMAN. But does the Senator think—

Mr. BURTON. One moment; let me make myself clear—

Mr. O'GORMAN. That the President would suspend the requirements of existing law with reference to vessels in the domestic trade?

Mr. BURTON. What does this mean?—

Is insufficient, he is authorized to suspend by order, so far and for such time as he may find to be necessary, the provisions of law prescribing that all the watch officers of vessels of the United States registry for foreign trade shall be citizens of the United States.

That may make the rules in regard to American citizens more binding as to vessels engaged in the domestic trade, but the paragraph does not seem to have been drawn to fit the case of boats registered for the domestic trade. How does the Senator from New York interpret that? What is its meaning?

Mr. O'GORMAN. It was not drawn in anticipation of the provision that foreign-built ships were to be permitted to enter the domestic trade; but the language of lines 13, 14, and 15, on page 4, is so broad as to make that particular section applicable only to vessels which will engage in the foreign trade.

Mr. CUMMINS. Mr. President—

Mr. O'GORMAN. I yield to the Senator.

Mr. CUMMINS. I can not quite agree with the Senator from Ohio, and much less with the Senator from New York. I do not think the words are ambiguous or admit of more than one interpretation. It is perfectly clear to me that the President, under this proposed law, will have the power to suspend our navigation laws with regard to those ships built abroad which have obtained an American registry for foreign trade and which will be permitted by this act to engage in the coastwise trade. I desire to call the attention of the Senator from New York to the language of the proposal now before the Senate.

In the first place, provision is made for the registry for foreign trade of foreign-built ships owned by an American citizen or an American corporation. Then follows this sentence:

Foreign-built vessels may engage in the coastwise trade if registered—

That is, for the foreign trade—

pursuant to the provisions of this act within two years from its passage.

Therefore, any foreign-built ship owned by an American citizen or a corporation that is registered for the foreign trade under this act is entitled, by reason of its registry for the foreign trade, to engage in the coastwise trade.

We then turn to section 2 and find that the power of the President to suspend the navigation laws with respect to watch officers applies to all vessels registered under this act for foreign trade. Of course, if the President has the power to suspend as to a particular ship the restrictions that were formerly imposed, that ship, being entitled to engage in the coastwise trade, will engage in it with the freedom and with the latitude provided in section 3; and what I have said with regard to the first paragraph of section 3 applies with equal force to the last paragraph.

Therefore, if this bill becomes a law as it now is, we shall have the amazing spectacle of a foreign-built ship, which may be officered entirely by foreigners and with a crew of foreigners and without the survey and inspection and limitations which are provided as to seaworthiness and safety, doing our coastwise business in competition with other ships which must comply with all the coastwise regulations. I do not believe the conference committee intended to do that, but that is just what it has done.

Mr. O'GORMAN. The Senator has overlooked the vital language in the second paragraph of section 2, on lines 17 and 18, where it is provided that whenever in the judgment of the President the needs of foreign commerce may require—

Mr. CUMMINS. Precisely.

Mr. O'GORMAN. Not domestic commerce. Whenever the needs of foreign commerce may require, he may suspend the requirements as to survey, inspection, and measurement. That provision has no relation whatever to the domestic or coastwise trade.

Mr. CUMMINS. Whenever, by reason of the necessities of foreign commerce, he suspends these regulations with regard to any ship, if that ship is registered for the foreign trade, it may engage in the coastwise trade. There are no limitations about that.

Mr. O'GORMAN. With respect to both of these requirements and the possible suspension by order of the President it is distinctly stated that the suspension will operate only so far and to such extent as he will permit.

Mr. CUMMINS. Precisely.

Mr. O'GORMAN. I think we may safely confide to him the proper exercise of that power.

Mr. CUMMINS. I agree that if the President does not want to suspend these regulations, or does not think it wise, he need not do it; but when he does it in behalf of any ship registered for the foreign trade, that ship, instead of engaging in the foreign trade, may, without any limitation, without any permit thereafter granted, engage in the coastwise trade.

Mr. O'GORMAN. Under the language employed, if the President finds it desirable to suspend either or any of these requirements touching the foreign trade, he may state that the suspension shall not apply to ships actually engaged in the coastwise trade. He has that power under the act.

Mr. CUMMINS. I am not certain about that, although I am not prepared at this moment to deny that conclusion; but we have it admitted, then, that the President can put a foreign-built ship registered for foreign commerce into the coastwise trade with the same freedom respecting its watch officers and its seaworthiness that obtains with regard to the foreign trade.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Washington?

Mr. O'GORMAN. I yield to the Senator.

Mr. JONES. If I understand the Senator's position, it is that the President, upon permitting foreign-built ships to be registered, can make it a part of the suspension of the law or granting of the registry that such suspension or registry shall operate simply while the vessel is engaged in the foreign trade.

Mr. O'GORMAN. In the foreign trade. He has power to stipulate that it shall not be applicable to the foreign-built vessel while actually engaged in the coastwise trade.

In addition to the changes to which I have called the attention of the Senate there were two other changes. The Senate adopted an amendment providing that the navy yards of the United States might be used, when necessary in the judgment of the President and the Secretary of the Navy, for the repair of vessels engaged in American commerce. It was thought, after an exchange of views, that the private shipyards of the country had sufficient facilities to meet all demands that our shipping might make upon them.

Mr. BURTON. Mr. President, will the Senator yield to me for a moment?

Mr. O'GORMAN. I yield to the Senator from Ohio.

Mr. BURTON. Is there not a regulation already, or is it not the custom now, that the dry docks of the navy yards are open to merchant ships when they are not occupied with work on naval ships? I understood such was the case. For instance, take the one at the Puget Sound Navy Yard; is not that available for merchant ships?

Mr. JONES. The Senator asks about the Puget Sound Navy Yard?

Mr. BURTON. Yes.

Mr. JONES. I think so, whenever it is not in use by the Government.

Mr. BURTON. So I understood. I think that is already the law.

Mr. JONES. I do not know whether there is a statutory provision with reference to that or not. I know that private ships have gone there and have been repaired.

Mr. O'GORMAN. There was a further provision that the Secretary of the Navy, in his discretion, might permit naval officers of the United States on the active or retired list to accept temporary service on board vessels engaged in commerce. It was thought that there was no need for that provision, and it was not insisted upon and is withdrawn.

Mr. HITCHCOCK. Mr. President, will the Senator state what was the reason for withdrawing that amendment? It was discussed at some length in the Senate and was considered quite valuable, in view of the admitted scarcity of officers in this country.

Mr. O'GORMAN. I do not know that the provision received much attention in the Senate. The House conferees objected to it, and the Navy Department did not think it prudent to have such a provision in the bill. On the whole, the conferees concluded it was not necessary to provide for service by naval officers on merchant ships.

Mr. HITCHCOCK. I understand that we have actually more naval officers on the retired list than we have on the active list. Many of those men are still in the prime of life. On the other hand, it seems to be admitted that in the merchant marine we actually lack enough officers to man the new vessels that are to be brought into the service.

Mr. O'GORMAN. I have an impression that if an emergency should arise where officers on the retired list could be advantageously employed on vessels of commerce that there is nothing to prevent them accepting this or any other employment; and as to officers on the active list, they can enter similar employment if granted leave of absence.

Mr. HITCHCOCK. That might be a reason; but it seems to me, if that is the case, this can do no harm. It certainly argues itself that if there is a scarcity of men available for the duty of officers in the merchant marine it would be better to permit these men who are now in enforced idleness on the retired list to take those places than to permit foreigners to have the places, with more or less danger of embroiling us in trouble with other countries that are at war.

Mr. O'GORMAN. Whether or not there is an emergency in that respect is yet to be seen. There are those who think that such an emergency will not arise. Men who are active in the seamen's unions throughout the country insist that there is no emergency, and that there are available American citizens qualified under existing law to fill any of these positions. In that situation it was not thought well to press the amendment, in view of the attitude of the House conferees.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. O'GORMAN. I yield to the Senator from North Carolina.

Mr. SIMMONS. I should like to inquire of the Senator from New York whether there might not also be some complications in case a vessel under the American flag were commanded by a naval officer?

Mr. O'GORMAN. That phase of the matter was brought up and was taken into consideration, too. It might lead to complications where an officer on board a vessel of commerce was also an officer of the Navy of the United States.

Mr. SIMMONS. I will say to the Senator that I am advised that in time of war it is necessary to obtain permission for a naval officer, even of a neutral country, to enter the ports or land upon the soil of a belligerent nation.

Mr. O'GORMAN. The only other change made was the striking out of section 3, which was the amendment of the Senator from Washington [Mr. JONES] as modified by the amendment of the senior Senator from Mississippi [Mr. WILLIAMS]. The

advantages of that provision are secured under the provision on page 3, permitting foreign-built ships registered within two years to enter the coastwise trade.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Colorado?

Mr. O'GORMAN. I yield to the Senator.

Mr. THOMAS. I wish to inquire of the Senator from New York whether, when in 1852 Great Britain threw open her coastwise traffic to foreign-built and all other ships, the same forebodings of ruin and disaster to British ships were not indulged in that have been presented here by telegrams from various parts of the country?

Mr. O'GORMAN. The same outcry was made against that departure from a long-established policy on the part of Great Britain in 1856; and that suggests another observation, Mr. President. The American shipyards may think that they will suffer if we admit foreign-built ships into our domestic trade. These foreign-built ships will more than compensate the American shipyards through the increased business they will bring to them in the way of repairs. These ships will have to be repaired in American shipyards from time to time, and instead of inflicting a financial loss upon American shipyards this change may work a substantial benefit.

Mr. GALLINGER and Mr. LIPPITT addressed the Chair.

Mr. THOMAS. But is it not a fact, Mr. President, that from the shipyards' point of view the business of repairing ships is the more valuable trade of the two?

Mr. O'GORMAN. It is so regarded.

Mr. THOMAS. That is to say, is not the business of repairing more profitable than the business of shipbuilding?

Mr. O'GORMAN. It is generally so regarded.

Mr. THOMAS. Just one other question and I will be through. I wish to inquire of the Senator whether any of these prophecies of injury and disaster which were indulged in and so freely made in 1852 in Great Britain were verified by events?

Mr. O'GORMAN. According to my information they were not, and the coastwise trade of Great Britain was retained by the British shipowners, although Great Britain extended to the ships of the world the privilege of coming into British ports and competing with them.

Mr. GALLINGER. Mr. President, if the Senator will permit me, my attention was attracted to a statement the Senator made that the repairs of these ships would more than compensate American shipyards. What is the Senator going to do with these additional ships? There are a great many American coastwise ships lying idle now. Is the Senator going to add hundreds of foreign ships to the coastwise trade and have them all in business?

Mr. O'GORMAN. I am surprised that the Senator from New Hampshire states that there are many coastwise ships now lying idle. I can not imagine that they are more than ferry boats, yawl boats, rowboats, and similar craft. We have the evidence of Senators from the Pacific coast that at this time they are in crying need of shipping facilities to permit them to transport to market the products of that coast.

Mr. GALLINGER. We have the evidence of one man who sent a telegram here to that effect. I will show the Senator that there are new American ships lying idle to-day. What I want to ask the Senator, however—and I ask it in all seriousness—is this: He is going to add hundreds of foreign ships, I apprehend, to the American coastwise trade. Are not they going to displace American ships?

Mr. O'GORMAN. No; I hope there will be business for all of them.

Mr. GALLINGER. Oh, well, the Senator may hope so, but it is a vain hope.

Mr. O'GORMAN. Does the Senator believe that an American fleet of 33 vessels plying through the Panama Canal will meet the demands of our internal commerce?

Mr. GALLINGER. Mr. President, I believe that there will be a much larger fleet engaged in that trade.

Mr. O'GORMAN. The Senator is doubtless aware that the Commissioner of Navigation estimated that the number of ships available for that trade is but 33.

Mr. GALLINGER. Yes; but manifestly the Commissioner of Navigation did not take into consideration a good many vessels that are in course of construction and that were in course of construction at that time in anticipation of trade through the Panama Canal.

Mr. O'GORMAN. Does the Senator know how many vessels have been in course of construction for that trade?

Mr. GALLINGER. I can not say definitely, but there are a good many; and I will present proof to that effect in my own

time. What troubles me, however, is that the Senator says that the American shipyards are going to be more than compensated by repairs to these vessels. Why, we can not indefinitely increase the number of ships in the coastwise trade. We have enough now, and more than enough, to do the business. If the Senator adds a fleet of foreign ships to the coastwise trade, they must displace American ships, or else have no work for themselves to do, one or the other.

Mr. BORAH. Mr. President—

Mr. O'GORMAN. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, in regard to the supply of ships for western commerce, I do not know myself what the condition is. I doubt if anyone here upon the floor knows the actual situation. I do know, however, that long prior to the time this matter came before the Senate the representation had been made to me by parties greatly interested in affairs on the Pacific coast that there was a want of ships, and I was urged weeks ago and months ago to lend my aid to any effort possible to secure more ships to carry the commerce along the Pacific coast. This urgency comes from business men and from those familiar with the condition of the want of transportation means to carry our farm products. I can not imagine any reason for misrepresentation of that fact upon the part of those who made the representation. On the other hand, I must believe that they were in a position to know whether or not it was true, and my opinion is that there is an utter poverty of shipping capacity upon the Pacific coast.

Mr. O'GORMAN. Mr. President, I move that the report of the conferees be adopted.

Mr. GALLINGER. Mr. President, it will not be adopted at once. On the point that has just been raised—and then I will take up the general question—I wish to read a letter dated August 11, 1914, from the Luckenbach Steamship Co., a large company engaged in the steamship business:

LUCKENBACH STEAMSHIP CO. (INC.),
New York, August 11, 1914.

Senator J. H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to advise you that we have American steamers lying idle, looking for business, some of them having been idle for six months, and we would be pleased to entertain offers from the Pacific coast lumber interests at the same rate as foreign steamers. I write this because I have been informed that the lumber interests on the Pacific coast have made the statement that there is not American tonnage available, and they therefore are favoring the enactment of a law for admitting foreign vessels to the American coastwise trade.

Very truly, yours,

EDGAR F. LUCKENBACH, President.

Mr. BORAH. May I ask the Senator where these people are located? Where are their headquarters?

Mr. GALLINGER. Their headquarters are in New York City; a very great city, by the way.

Mr. BORAH. A very promising burg.

Mr. GALLINGER. Quite as big as the State of New Hampshire or the State of Idaho in the matter of business.

Mr. BORAH. It was not for the purpose of reflecting upon any particular portion of the country that I asked the question, but it was for the purpose of ascertaining whether or not they were on the Pacific coast trying to secure any business. It can not be possible that men who want their goods carried on the Pacific coast are finding ample means to have them carried and at the same time representing to the representatives in Congress that they have no means. They would have no occasion to make that representation as to their business. It may be that these ships are floating upon the Atlantic coast. I do not know anything about it, but I have every reason to believe they are not engaged and are not willing to engage in business on the Pacific coast.

Mr. GALLINGER. Mr. Luckenbach says they are. Perhaps the Senator knows better than the Luckenbach Co.

Mr. BORAH. I apprehend that if he was willing to do the business he would be there trying to do it. Nevertheless, he is in New York City and his business is in New York City. It is on the Atlantic coast. Why does he not go to the Pacific coast?

Mr. GALLINGER. He proposes to go through the Panama Canal to the Pacific coast, to take business in competition with foreign steamships at the same rate.

Mr. CLARK of Wyoming. I wish to ask the Senator from New Hampshire if he has any information as to whether the steamships spoken of by his correspondent come under the ban of the Panama Canal act; whether they are permitted under that act to use the canal?

Mr. GALLINGER. I have no information on that point, but I imagine if they were under that ban that Mr. Luckenbach would not make the proposition he does. He is a business man of great experience.

Mr. BURTON. If the Senator from New Hampshire will yield to me, I have no desire to take one side or the other in this controversy, but I have sought to ascertain the facts. According to the best information I have, there is a very large number of boats on the Pacific coast that are not employed. The president of the Masters and Mates of Pacific Coast Ports, Capt. Wescott, stated to me this morning that there are as many as 53 ships on the Pacific coast at present without cargoes and some 400 men—watch officers—who were unable to obtain positions. He stated further that in the steam-schooner service there was a very large number of boats plying between local points on the Pacific coast which could bring lumber to the Atlantic coast.

Mr. BORAH. How does the Senator account for the fact that these ships are lying there for want of cargoes and the cargoes are lying there for want of ships?

Mr. GALLINGER. It is easily explained. The lumber from Puget Sound is now being sent by rail across the continent, or otherwise it would have to go around the Horn, which would be very expensive. As soon as the Panama Canal is open the lumber will be sent through the Panama Canal, and these ships will then be available.

Mr. President, I want to read a letter I received yesterday from a gentleman who is now in Washington. He is a man who has been quoted over and over again, and has been quoted in this debate—Capt. Robert Dollar, of San Francisco, a well-known shipping man. The letter is dated yesterday. Capt. Dollar lives in San Francisco. He is a shipowner. He writes me as follows:

WASHINGTON, D. C., August 13, 1914.

MY DEAR SENATOR GALLINGER: On my arrival here I was astounded to know that the conference committee had decided to allow foreign ships that accept American registry to engage in our coastwise trade. Owning British ships, my financial interests would be in favor of such a change, but I must protest and say that it is unfair and unreasonable, as in every port there are idle American steamers. In San Francisco alone there are over 30 at present. In this emergency, however, I am very strongly in favor of allowing foreign ships to get American registry, but to engage in foreign trade only. I do hope that the Senate will reconsider and prevent the throwing down of the bars to permit foreign ships to engage in coastwise trade.

Very truly, yours,

Capt. ROBERT DOLLAR
(of San Francisco).

Mr. CHAMBERLAIN. Let me ask the Senator, if it be true that these ships are lying idle in every United States port, where does the clamor come from and what initiates it for this emergency bill? In other words, why should there be a demand for the admission of foreign-built ships to carry the commerce of our country over-seas if the ports are now encumbered with unladen vessels?

Mr. GALLINGER. I suppose Capt. Dollar knows what he writes about. The Senator does not impugn Capt. Dollar, and no man in this body will do it. He has given testimony before committees and commissions in this body and the other House.

Mr. CHAMBERLAIN. I will say this for Capt. Dollar, that I have very great confidence in him, but the Senator must not forget that he has foreign-registered as well as American-registered ships.

Mr. GALLINGER. So he says. And he says that this bill, by putting foreign ships under American registry in the coastwise trade, would be an advantage to him, but he does not think it either wise or fair.

Mr. CHAMBERLAIN. I would say that Capt. Dollar is a patriotic man, so far as I know.

Mr. GALLINGER. I think Capt. Dollar is well known to be a patriotic man. I never heard his integrity or his patriotism questioned before; but in this debate every man who stands for American interests in this country is unpatriotic. That is about what it amounts to. I repudiate it. Capt. Dollar is known to a great many of us, and he is known to be a patriotic citizen.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. Certainly.

Mr. McCUMBER. Will the Senator state whether or not those 40 ships mentioned by the Senator from Ohio [Mr. Burton] can engage in foreign commerce?

Mr. GALLINGER. I am only giving the facts as I have them before me.

Mr. McCUMBER. I am asking for information.

Mr. GALLINGER. I am not going to speculate about it at all.

Mr. BURTON. I should like to answer that I do not believe most of these boats would be available for foreign commerce. Of course those built for the coastwise trade are built with that object in view, and they would not go far from the coast. There are passenger and freight accommodations provided under different conditions and in a different manner from the provision on trans-Atlantic steamers. Some of them would be avail-

able for the foreign trade, but I think it would be a comparatively small share. Of course these boats for the coastwise trade could, many of them, go across the ocean, but naturally they would not do so.

Mr. LIPPITT. I should like to say to the Senator from Ohio if these vessels are efficient for the performance of the coastwise trade for which they were built, they would be seriously interfered with by the admission to that same trade of foreign-built vessels, I presume.

Mr. BURTON. I think so. Of course the regulation in regard to masters and watch officers can be suspended. That makes a very serious difference in the cost of operation. I have some figures given me by a company operating boats from New York to the effect that they have a certain class of boats under the Norwegian flag, chartered boats, under an arrangement by which the lessors of the boats furnish officers and seamen. The Norwegian owners pay \$85 a month to their captains, yet the same company pays \$250 and \$225 to the captains of boats having American registry.

Mr. GALLINGER. Mr. President, so far as this dearth of steamships on the Pacific coast is concerned, the only testimony that has been presented has been a telegram from one citizen of Seattle. I have forgotten his name. I will ask the Senator from Washington [Mr. JONES] if he knows him and what means he has of determining this question. Has he looked beyond Puget Sound to see whether there are American ships available for that trade?

Mr. JONES. I did not understand the first part of the Senator's question.

Mr. GALLINGER. I asked the Senator if he personally knew the man who telegraphed him.

Mr. JONES. Bloedel.

Mr. GALLINGER. Bloedel.

Mr. JONES. Who sent the telegram. I do know Mr. Bloedel. I have known him for a great many years. He is one of the leading business men upon the Pacific coast and a man of great intelligence, and I know that he is familiar with the conditions out there, especially with reference to the lumber trade and with reference to shipping facilities, and that he is thoroughly reliable. Of course I do not know just what he referred to with reference to the particular statement referred to. It has been suggested that there are a great many ships on the Pacific coast that are idle. There may be some ships that are idle, but they are not suitable for the trade we were especially anxious about. There may be some ships that are idle in the local coastwise trade. There is no showing with reference to the vast number of ships mentioned that those ships may be suitable for the trade through the Panama Canal, which is practically over-seas trade.

Mr. GALLINGER. The resumption is that Capt. Dollar would not say that there are 30 ships idle at San Francisco unless he knew they were available for the trade that it is contemplated to put them in.

Mr. JONES. He does not say that those ships are suitable for the over-seas trade.

Mr. GALLINGER. That is to be assumed.

Mr. JONES. Why assume it? That is assuming the whole case.

Mr. GALLINGER. Not at all. In addition, Mr. Luckenbach, of the Luckenbach Steamship Co., says he has ships and that he will take cargoes from Puget Sound to the Atlantic ports in competition with foreign ships upon the same terms. He must have some ships that are available that were properly constructed for that trade.

Mr. JONES. I wish he had given a little more detailed information in reference to the character of ships if he wanted those people to know that he was prepared to carry their products. I do not question Mr. Luckenbach's integrity, but I wish he had stated more facts about his idle ships.

Mr. BORAH. It would be well for him to communicate with the people who have cargoes.

Mr. GALLINGER. Mr. President, that is neither here nor there. One man sends a telegram here who has not looked beyond his nose to ascertain whether there are ships or not, but the men who have ships and say they are ready to put them into the service have their motives impugned, and the suggestion is made that they are not to be relied upon.

Mr. GRONNA. Mr. President—

Mr. GALLINGER. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator from Washington says that Capt. Dollar does not state that these ships are suitable for over-seas trade, but it seems to me that that is not the question. They certainly would be valuable for the coastwise trade.

Mr. JONES. That is not the question which was involved in the matter that I was especially interested in in the original

proposition. The conference committee has broadened the proposition as it passed the Senate, so that it will include the coastwise trade generally and permit all vessels of American registry to engage in the coastwise trade.

Mr. MARTINE of New Jersey. Mr. President—

Mr. GALLINGER. I yield to the Senator from New Jersey with pleasure.

Mr. MARTINE of New Jersey. Mr. President, in this committee report, which is the veritable Jones amendment that I voted against with all interest and gusto, and it was carried by 1 vote. This committee, strange to say, found it wise to incorporate it in their report. When I read the names of O'GORMAN, THORNTON, SHIELDS, and BORAH I feel astounded, and I wonder what next. I am utterly opposed to this report carrying with it this amendment. My State is up in arms against it. The shipbuilding interests and the labor interests are protesting against it.

In answer to the argument that there is no coastwise tonnage available, I had a statement handed to me by a gentleman who knows and who is interested and identified with the great maritime interests of our country. He states that the total American coastwise tonnage to-day is 771,000 tons, American-owned foreign registry 1,062,000 tons, making a grand total of available tonnage of 1,833,000 tons. He gives a list here. He says all vessels in the above list could be made available at the port of Boston within 30 days, and many of them are immediately available.

It is estimated that there is to-day available for foreign commerce under the American flag a dead-weight tonnage of approximately 1,000,000, distributed on an average of approximately 6,000 to 7,000 tons, and that this tonnage can take care of about 30 per cent of our normal foreign trade. Normal marine insurance available at from 3 to 3½ per cent. Insurance upon shipments in vessels of foreign registry converted to the American flag since the outbreak of hostilities would not be available at not less than 12½ per cent, which is deemed prohibitive.

The congestion of trade has been brought to my attention in Galveston, Tex. I ask you to hear what he had to say on that subject. He says it is because of the withdrawal of the German steamship lines from service. He says that the Southern Pacific representatives will verify the statement.

Lewis K. Thurlow, of Crowell & Thurlow, gives the following explanation of the character of competition to which our merchant marine will be subjected if the so-called Jones amendment prevails. A steamship now building for this company at Newport News is to cost \$400,000. This identical vessel could have been built in England two months ago for \$250,000. Low cost in England is attributable, first, to inexpensive plant, and, second, to specialization in this branch of industry. When this vessel is completed and put in service under American navigation laws, it is up against four specific disadvantages as against its English competitor: First, food, said to be better than that provided in the Navy; second, space for more quarters, much greater than in English ships; third, more men; and, fourth, shorter hours. A still further disadvantage is the fact of higher wages. For instance, on a vessel carrying a crew of 35 men an English master would receive approximately \$75 per month, while under American registry the average captain would receive from \$160 to \$225. The wages paid the crew are in like proportions about double these paid on foreign vessels. All deck and engine officers are required to be American citizens.

Here is the list. It comprises a large number of vessels, which he states, on his own knowledge and judgment as a marine man, are utterly available.

At all events, Mr. President, I am willing to do all I can to advance foreign shipping. I want some method proposed that shall again float our flag on the blue ocean and under our laws. Our marine has multiplied beyond parallel along our coast. We have just opened at great expense the Panama Canal, and now it will give renewed opportunity for American genius and American money and American handiwork to build craft for trade with the Pacific coast. In God's name, at this crisis do not let us give away that advantage which we have gained.

Mr. HUGHES. I wish to ask my colleague if the figures he has given the Senate were furnished to him by the New York Shipbuilding Co.?

Mr. MARTINE of New Jersey. No; they were not given me by the New York Shipbuilding Co. They were given to me by another source entirely.

Mr. GALLINGER. Suppose they were; what argument would it be?

Mr. MARTINE of New Jersey. I would not care if they came from New York City. That is my birthplace, and I am

proud of it, but I do not want to help any one place above another; I want to help my country.

Mr. HUGHES. Does not my colleague know that New York City is the headquarters of the Shipbuilding Trust; that they have built two large cruisers and have others on the ways now in competition with all the shipbuilders of the world?

Mr. MARTINE of New Jersey. I am glad of it.

Mr. HUGHES. That disposes of that question.

Mr. MARTINE of New Jersey. I am not apologizing for them. God knows I think they are capable men, men of genius.

Mr. HUGHES. Why should the Senator insist, then, that they should be protected from pauper labor?

Mr. GALLINGER. On the other hand, why should we buy foreign steamships if we can build them ourselves?

Mr. MARTINE of New Jersey. If we have them, as I believe we have, for the Pacific trade, why in the name of Heaven throw down the bars and open the doors to English competition? This is what I am arguing for in opposing the Jones amendment, which has been incorporated here by the conference report.

Mr. GALLINGER. No; it has been very greatly enlarged.

Mr. MARTINE of New Jersey. I know; but still it is the same old dog.

Mr. GALLINGER. It has been greatly enlarged, and is in open violation of the rule that governs conference committees.

Mr. MARTINE of New Jersey. Mr. President, I trust most earnestly and seriously that this step shall not be taken, that would break down our coastwise marine. This step carried into execution would be madness upon our part and disaster to our country.

Mr. GALLINGER. Mr. President, I know that anything which comes from a shipbuilder or a shipowner, or if he chances to live in the city of New York, is under a ban in this body. I perfectly understand that. Yet there have been times, Mr. President, when the perpetuity of the Government was maintained because of the fact that we had a New York City and a Boston and a Baltimore and a Chicago. I think we had better not be too radical or too hasty in denouncing men who are engaged in a legitimate business and who properly contend that their business interests shall be protected under the laws of the United States.

Mr. President, I want to read another telegram from the A. H. Bull Co., who are engaged in the shipping business in the city of New York. They say:

NEW YORK, August 11, 1914.

HON. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

We are anxious to extend our business in foreign trade; are most anxious to see legislation that will extend our merchant marine to foreign commerce, but are opposed to hasty legislation, as we do not believe it will result in permanent benefit. We control 12 American steamers—10 built in American yards during the last four years—all well adapted for foreign trade.

I wish that Senators cared to listen to this side of the controversy. The telegram continues:

In anticipation of the passage of the Alexander bill—

That is the same bill that came to the Senate—

have obtained prices for foreign cargo steamers. Foreign owners have increased prices from \$50,000 to \$150,000 on boats from 4,500 to 7,000 tons dead-weight capacity, according to age and size of steamers. At this price, with further uncertainty as to the cost of operation when conditions become normal, makes the investment extremely uncertain and hazardous. Coastwise trade already overstocked with tonnage.

I suppose this firm knows something about that matter; I do not imagine they are talking nonsense or trying to mislead the people of the country or the Congress. Listen further:

We have one steamer built two years ago now loading for Frisco, which will not receive sufficient freight money to pay at rate of 5 per cent on investment and nothing toward depreciation. Therefore believe immediate legislation is not needed, and think more real good can be accomplished by taking sufficient time to frame a bill which will be permanent in its effects than to hurry one through which, so far as one can tell, merely permits a gamble to the length of the war and the prospective needs of transportation for that uncertain period.

A. H. BULL & Co.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I do.

Mr. THOMAS. I should like to inquire of the Senator from New Hampshire how, if the coastwise trade is already overstocked with tonnage, this measure can in any wise affect the coastwise shipping trade or coastwise shipbuilding, and how outside foreign-built ships can be attracted by this law when there is no business for them to do?

Mr. GALLINGER. Oh, Mr. President, they will be here. The foreigners want to get into our coastwise trade, and as their ships cost much less than ours, they can compete with us on

unequal terms. Foreigners have spent a great deal of money to break down the coastwise laws of the United States, both by direct expenditure and by advertising in the great newspapers of the country.

Mr. LIPPITT. Mr. President, I should like to ask the Senator from New Hampshire, if I may be allowed to do so, if it would not be something of an injustice to allow foreign-built ships to come into the coastwise trade when they have been built abroad at from a third to a half of the sum that our American shipowners have been obliged to pay for their vessels?

Mr. GALLINGER. Certainly it would.

Mr. LIPPITT. It seems to me that the mere statement of that case is a sufficient reason for not admitting foreign-built vessels to the coastwise trade, particularly as the Senator from Colorado is apparently prepared to argue there is no use for them anyway.

Mr. THOMAS. Mr. President, if it be true that the supply of tonnage for the coastwise shipping is already in excess of the demand for it, it is inconceivable to me that this bill, if it shall pass, will in the slightest degree prove attractive to the registry of foreign vessels. Foreigners may be desirous of getting a part of the coastwise trade, but they certainly will not be desirous of getting it when there is nothing to be gained.

Mr. GALLINGER. Does not the Senator from Colorado think that this country can manufacture all the textiles it wants and needs for its own people?

Mr. THOMAS. If they are manufacturing—

Mr. GALLINGER. I will ask the Senator to answer the question directly. Does the Senator from Colorado take the position that we can not manufacture the textiles for this country, if we are given the opportunity to do so by keeping out foreign competition?

Mr. THOMAS. We can do it; yes.

Mr. GALLINGER. Yes.

Mr. THOMAS. But if we are already manufacturing more than we need we need not be afraid of any importations of foreign textiles when the market is in that condition.

Mr. GALLINGER. Why not, if the foreigners are manufacturing them cheaper and they can be sold cheaper in the American market?

Mr. THOMAS. Simply because the fact that we can manufacture for our market is an indication; it is a proof of the fact that our production is just as cheap as the foreign production. There has to be a demand, Mr. President, before there can be any invasion of either foreign goods or of foreign tonnage.

Mr. LIPPITT. Certainly, Mr. President, if the Senator from New Hampshire will allow me—

Mr. GALLINGER. I yield.

Mr. LIPPITT. The Senator from Colorado knows that while we may be able to manufacture certain products in this country, we can only sell them at certain prices, and if the market of this country is so arranged that somebody outside of it can make a given article at a lower price than we can, it would make no difference at all what our ability might be and what the capacity of our machinery to manufacture that article if we could not manufacture it at a profit.

The Senator from New Hampshire asked the Senator from Colorado whether we could not manufacture all our textiles, and the Senator from Colorado said yes, and then went on to say that it would make no difference whether that machinery was run or not if some foreign country was allowed to land its textiles at a lower price than we could afford to manufacture them.

Mr. THOMAS. I did not say that.

Mr. LIPPITT. Certainly the Senator can not mean to put himself in such a position as that.

Mr. THOMAS. I did not say that, Mr. President.

Mr. LIPPITT. I can not think the Senator did mean to say it, but, if my ears heard correctly, that is what he did say.

Mr. THOMAS. It is possible that I may have said it, but I do not think so. What I said, in substance, was that this country could manufacture all textiles necessary for consumption, but if it did manufacture textiles sufficient for the consumption of the country it would be because of the fact that it could do so at a price that would make importations unnecessary.

The argument of the Senator from Rhode Island as applied to the statement in the telegram just read by the Senator from New Hampshire, if it means anything, means that there is at present a surplus of tonnage for the coastwise traffic because the charges or rates for its use are practically prohibitive, and that the danger lies in the addition to our tonnage of foreign-built ships which will result in a reduction in the rates of traffic. That is what we want, Mr. President, and we want it at this juncture. If it be true that coastwise shipping is idle

because of the rates they charge, then no better argument can be advanced in favor of the measure as it has been reported from the conference committee.

Mr. GALLINGER. Mr. President, a free trader is never consistent. The Senator from Colorado is a man who has now discovered that coastwise shipping is idle because of the rates they charge. Nobody else has ever suggested that, and that is not a fact.

I have a letter here from a firm of which I never heard before, and they belong to the list of bankers of this country, who are somewhat under the ban in the view of some people. They live in New York City, which is never alluded to here without a sneer on the part of some Senators. I am going to read the letter myself to save the overworked clerks. It is dated August 12, and is as follows:

PROPOSED SHIPPING MEASURE.

NEW YORK, August 12, 1914.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: Referring to telegram sent to you to-day on this subject, of which we inclose copy, this matter is not only of tremendous importance, but there is no immediate hurry about admitting foreign ships to the American flag in the coastwise trade, for the simple reason that there are many ships especially built for the coastwise trade now lying idle for the lack of business.

We are quite prepared to agree that there is an urgent need to transport American products to foreign ports, and we are in favor of admitting foreign ships for the purpose of engaging in this trade, provided this is not contrary to the international laws.

Under the present American navigation laws it costs about 35 per cent to 40 per cent more to operate an American vessel than it does a foreign one, irrespective of the question as to the first cost of the American vessel, which is probably equal to from 30 per cent to 50 per cent additional. It is for this reason that there are practically no American ships available for foreign trade. It has not paid to build American ships and operate them in this class of business.

DOMESTIC TRADE.

When it comes, however, to the question of admitting foreign ships to trade between American ports, we beg to say that, while it is undoubtedly within the discretion of Congress to amend the present shipping act, this should not be done without giving an opportunity of all parties in interest to be heard.

Just there, Mr. President, I want to dwell upon that matter. A tremendous change is to be made in the navigation laws of the United States. Those laws which have stood the test for more than a hundred years, which have been debated in both Houses of Congress over and over again by distinguished men, are to be swept off the statute books, practically without the question ever having gone to the committee having that matter in charge or having been debated in either House of Congress. It is to be done on a conference report brought in here under the plea that there is an emergency existing to-day which demands that the part of this legislation relating to over-seas trade shall immediately be passed.

The letter continues:

The following question must be weighed: What will be the effect of admitting foreign ships to this class of trade on the vested interests in vessel property now existing?

I think that is worthy of the consideration of men who want to be fair. An American vessel has cost \$1,000,000, a foreign vessel has cost \$750,000; both are of the same capacity, of the same tonnage, and of the same speed; and yet we are going to admit that foreign vessel into our coastwise trade in competition with the American vessel which cost \$250,000 more, and we call it equity! It is arrant discrimination against our own people and against American interests, and nothing else. My correspondent further says:

If boats costing one-third less and doing business for about one-third less are admitted in competition with our own ships in our domestic trade without reasonable notice to the owners thereof, then this would be the annihilation of a good many millions of dollars of capital invested in such property, and amounts to a calamity.

Undoubtedly the purpose of the proposed bill is to encourage American shipping, ship construction, and investment in ships. The effect of the bill it is proposed to pass would be the opposite. Capital in American shipping would be destroyed and it would encourage speculation in foreign ships. The American shipyards would be without work, would close down and go out of business, and in case of war, in which the United States might become involved, there would be no shipyards to look to for building our ships, especially so as the navy yards of the United States are proposed to be opened for the repairing of ships—

That provision has been eliminated in the conference report—thus competing with privately owned companies which at the present time are lacking in work.

We have placed in the last few years several million dollars' worth of bonds throughout the Eastern and Central States secured by ships built in American yards along the Great Lakes and the Atlantic coast. The effect of this bill would be to destroy the value of these bonds, which are held by individuals and banks throughout the eastern part of the country, and the sequence would be that none of these investors, individual or corporate, would ever again be willing to invest in vessel property. In placing these securities we have been pioneering and have contributed toward the upbuilding of the American mercantile marine. The proposed bill destroys our work and the confidence which we have built up in the permanency of maritime investments.

Furthermore, we would like to direct your attention to the following clause in the proposed bill, which actually discriminates against Amer-

ican ships and gives foreign-built ships a preference: American-built ships have to undergo inspection and to conform to certain regulations and specifications. Under the proposed bill the President has the right to waive these provisions as far as foreign-built ships are concerned, thus putting foreign bottoms into preferential position as against American bottoms.

Further comment is unnecessary on this kind of hasty legislation, which is accelerated by hysteria for an American merchant marine to carry our products to foreign ports.

The real trouble about the stoppage of our export traffic to-day is not due to the lack of ships but to the unsettled condition of the exchange market and to the difficulty of arranging for insurance. There are lots of American boats tied up to the docks ready and available for commerce if the rate of exchange and insurance can be arranged.

The act is so loosely drawn that the section which provides for the ownership of boats by American citizens can easily be circumvented.

Our suggestion is that a joint committee from the House and Senate should be empowered to go into this matter thoroughly and investigate all phases and then draw up a bill.

Very truly, yours,

F. J. LISMAND CO.

Mr. President, a few days ago, when the Senator from Washington [Mr. JONES], who is one of the ablest and most adroit Members of this body, and whose words always carry a great deal of influence, proposed the amendment that he did, I said that that was entrance of the camel's head into the tent and that in due time the entire animal would be found inside of that inclosure. The amendment of the Senator from Mississippi [Mr. WILLIAMS] put a portion of the camel's body into the tent and the conference report puts it all in, unless it be that the two-year limitation may allow the tail to remain out; but, as I believe that the tail ought to go with the hide, it seems to me that the entire animal is there now.

I am somewhat astounded, Mr. President, that any portion of the Democratic Party should commit itself to this legislation. I have been accustomed to hear Thomas Jefferson called the patron saint of the Democratic Party, and I have been a great admirer of that very distinguished man, whose services to the Nation can not possibly be overestimated. In studying the subject of the American merchant marine, which I have done with some care, I have turned to the writings of those men who more than 100 years ago discussed this question. I was impressed with the attitude that Thomas Jefferson took on the question of American shipping, and I want to read just two brief extracts from his works. They were written in 1794. Jefferson said:

To force shipbuilding is to establish shipyards; is to form magazines; to multiply useful hands; to produce artists and workmen of every kind who may be found at once for the peaceful speculations of commerce and for the terrible wants of war. * * * For a navigating people to purchase its marine afloat would be a strange speculation, as the marine would always be dependent on the merchants furnishing them. Placing, as a reserve, with a foreign nation or in a foreign shipyard the carpenters, blacksmiths, caikers, sailmakers, and the vessels of a nation would be a singular commercial combination. We must, therefore, build them for ourselves.

Again Jefferson said:

The loss of seamen unnoticed would be followed by other losses in a long train. If we have no seamen our ships will be useless; consequently our ship timber, iron, and hemp; our shipbuilding will be at an end; ship carpenters will go over to other nations; our young men will have no call to the sea; our products, carried in foreign bottoms, be saddled with war freight and insurance in time of war.

Prophetic, Mr. President, and prayerfully commended to the consideration of my Democratic friends.

Now, I want to discuss the conference report calmly and dispassionately, in the hope that the Senate in its wisdom may see not only the propriety but the necessity of rejecting the report when it is voted on.

Mr. President, an emergency bill to meet the crisis of a great foreign war and to admit foreign-built ships to American registry for over-seas carrying would have been enacted at least a week ago if it had not been for a determined effort to utilize this war emergency for a sectional and partisan attack upon the coastwise or domestic shipping laws of the United States. For whatever undue delay there has been in the meeting of this emergency the authors of the attack upon the coastwise trade are entirely responsible.

OUR GREAT COASTWISE FLEET.

The emergency bill, as originally framed and passed by the other House of Congress, was a measure of somewhat doubtful wisdom in many of its details, but it was at least an honest attempt to grapple with an extraordinary situation. It can not be emphasized too strongly that no extraordinary situation existed in the coastwise trade. The American shipping engaged in this domestic trade, from which since the days of Washington and Jefferson all foreign ships have been excluded, has increased as steadily as the other and unprotected branch of our shipping has declined. In 1883 there were 2,858,570 tons of American shipping enrolled for coastwise commerce on the Great Lakes and the rivers of the country and the ocean. In 1913 this thoroughly American domestic fleet had increased to 6,726,340 tons, and I believe it now exceeds 7,000,000 tons,

Allowing for the fact that the coastwise fleet has come to be composed more and more of steam tonnage and that one ton of steam tonnage is usually reckoned as equivalent in efficiency to three tons of sail tonnage, the growth of the American coastwise fleet is one of the notable achievements of our industrial history. This American coastwise fleet, engaged exclusively in carrying freight and passengers from one American port to another, has a tonnage nearly one-half as great again as the total foreign-going and coastwise tonnage of the German Empire, more than thrice the total tonnage of Norway, and twice the total tonnage of France and Italy combined.

The coastwise shipowners, shipbuilders, and sailors have been given absolute protection by our Government, and they have "made good" under it. They have created a coastwise fleet, all American, incomparably the greatest in the world, and incomparably the first in its general seaworthiness and efficiency. It is not merely a trade of short and sheltered voyages. The distance from New England to Galveston is 2,000 miles. The distance from New York to San Francisco, around the Horn, is 13,000 miles, one of the longest voyages on which ships sail in all the world. Even when the Panama Canal is opened, as it is to be to-morrow, and that short cut is available, the distance from Sandy Hook to the Golden Gate will be 5,000 miles, or nearly twice the distance from Sandy Hook across the North Atlantic to Liverpool.

AN ATTACK ON AMERICAN OFFICERS AND SEAMEN.

In the coastwise trade to-day are 24,756 out of 27,070 American vessels and fully seven-eighths of our American officers and sailors. All of the officers are required by present law to be American citizens, and the records of the Government show that of the crews shipped by Federal commissioners on American vessels substantially one-half are American citizens, the great majority of whom are American born. Twenty years ago scarcely one-third of the crews so shipped were American citizens, so that the number of American officers and American seamen afloat in our coast trade has steadily increased with the increase of the ships themselves. It is in the coast fleet, so wantonly attacked in this conference report, that the great bulk of the American officers and men are serving, on whom, as an indispensable reserve of our fighting Navy, the Nation would have to depend in a foreign war.

This conference report will open the way to a destruction of our naval reserve by admitting to the coastwise service not only foreign-built ships but the foreign officers and the men who man them, with whom in cheapness of fare and cheapness of wages self-respecting Americans can not possibly compete.

BREAKING THE NATION'S PLEDGE.

There is a lamentable lack of American ships in over-seas trade; that is generally admitted; but there is no lack of American ships in coastwise carrying. American coastwise vessels built in 1912 numbered 1,505, of 233,669 tons; in 1913, 1,475, of 346,155 tons. For several years construction in American shipyards has been particularly active, largely owing to American preparation for the coastwise trade through the Panama Canal. The men who built those ships, the men who own them and who man them, did not dream that they were going to be betrayed by their own Government, and that the great canal, which \$400,000,000 of American money had created, was going to be diverted under the guise of an "emergency" measure to the enrichment of the shipbuilders and shipowners of Europe and Japan.

The United States, by its century-old policy, invited the shipbuilders, shipowners, and seamen of America to prepare to carry the great coast-to-coast trade that would flow through the canal when it was opened. The Government virtually said to them: "Build and launch your new ships, equip and man them, make your plans, prepare your terminals—you will not be able for reasons you know well to send American ships through the canal in over-seas trade, but the coastwise commerce you have always had and always will have—it is your right and your own."

Accepting this, American shipowners have placed so many American vessels in readiness that it is estimated that the American ships of regular freight-carrying lines already scheduled will provide a sailing from the Atlantic or the Pacific every business day throughout the year. One of the American steamship companies is said to have enough vessels available for the canal service and for the naval reserve in time of war to be able with its own ships to carry coal enough to supply the entire battleship fleet of the United States Navy in another voyage around the world.

But this conference report not only strikes down at one blow all the costly and elaborate preparations that have been made for coastwise commerce through the Panama Canal, but all the

existing shipping business between the various ports up and down the Atlantic, the Pacific, and the Gulf of Mexico. Nor are the Great Lakes spared. Steamships approximately 260 feet in length and of a carrying capacity of about 4,000 tons can be brought out from Europe through the Canadian canals under the terms of this conference report and placed upon the coastwise routes along the whole chain of lakes between Duluth and Buffalo. No trade, no route escapes. This conference report applies the principle of absolute free trade to the great industry of shipbuilding, which Jefferson exhorted his countrymen to regard as one of the most vital safeguards of their prosperity and independence.

A BLOW AT LABOR.

All materials for the construction, equipment, or repair of vessels in this country for either the foreign or the coastwise trade can be imported free of duty. Steel plates and beams are usually no higher in price in America than in Europe. Yet it is the concurrent testimony of informed men that it costs on the average from 40 to 50 per cent more to build a ship of a given size and type in the United States than it costs in Europe. The difference manifestly is not one of material. It is almost wholly a difference in labor—and it is American labor, the skilled American labor of our national shipyards—that is deliberately sacrificed by the provisions of this conference report admitting free of all duty to the coastwise trade all foreign-built ships that for the next two years are given American registry.

Is it a wonder, Mr. President, that the laboring men of this country are alarmed over this proposition? Is it a wonder that they are protesting against any legislation that strikes a blow at the industry in which they are engaged?

Mr. President, while I do not claim to be a prophet nor the son of a prophet, I assert here to-day that if this legislation becomes a fact the men who are responsible for it will be called to a very severe account by the laboring men and the labor unions of the United States. It is equivalent to a provision to place absolutely on the free list for two years all cotton or woolen or silk fabrics, or tools or cutlery or other highly finished products of our manufacturing industry. The party that, though only a minority of the American people, now controls this Congress and rules this Nation did not dare to go to such an extreme as this in its recent reduction of the tariff, which before war was declared in Europe had brought grave loss and suffering upon all the chief industries of the United States.

This conference report singles out the manufacturing industry of shipbuilding for special and utter sacrifice. It is not given the advantage of even the incidental protection of a duty of 5 or 10 per cent. It is left with no protection whatsoever against the shipbuilding industries of other lands, which pay one-half of the American wage or less, and, in addition, have long enjoyed the subsidies and bounties of solicitous governments.

PROTECTION A NATIONAL POLICY.

I make the statement—and I make it advisedly—that absolute free trade never would have been suddenly, without warning, forced upon this industry if it were an industry that could have been pursued in all or most of our States. But natural conditions confine this business to the seaboard, and, unfortunately, chiefly to the northern seaboard and to the northern Lakes. The authors of this attack upon the industry, themselves rejecting the whole idea of protection as iniquitous and unconstitutional, have invited, and, I regret to say, have received in this instance, in the amendments adopted in the Senate, the cooperation of some Senators from inland States who are insistent protectionists, so far as the agricultural industries of their own people are concerned.

In all sincerity and fairness, I would like to ask the Senators from the Mississippi Valley and the Rocky Mountains or the farther West who voted for free trade in great ocean ships for coastwise traffic between our Atlantic and Pacific seaboard, or for coastwise traffic from the Gulf to the Atlantic coast, how they can reconcile their action with their avowed support of the protectionist principle, and particularly with their earnest demand for a restoration of adequate tariff protection upon their wheat and corn, their wool, their barley, cattle, meat, vegetables, and dairy products—something that I will gladly help them to secure?

Go to a seaport on the Atlantic coast or the Pacific. There on the wharf stands a bag of wool from Idaho or Wyoming. Alongside the wharf floats a great coastwise ship, the consummate product of technical skill and manufacturing efficiency, into which a hundred trades have entered. By what political sophistry or economic philosophy can protection be justified to the American growers of that raw wool and denied to the other Americans who wrought that steamship?

Is protection right for the prairie and the mountain range and wrong for the shore of the sea? The Republican Party in its victorious and glorious past has upheld protection as a national policy. It can never be justified as a sectional policy for the benefit of farmers, ranchmen, or any other class of our citizens and refused to shipbuilders and seamen. I say with all kindness to those who profess adherence to protection and yet voted free trade to American shipbuilding, that for them will inevitably come a day of regret and reparation.

NO LACK OF COASTWISE SHIPS.

A vote for this conference report, and therefore for free trade in shipbuilding in America, can not be defended by any plea that more ships are needed for our coastwise commerce. A real emergency exists in the over-seas trade—the export and import trade of the United States—because in that trade we have left 92 per cent of our foreign carrying to the ships and men of foreign Governments. Both ships and men are now unavailable to us under the flags of the principal carrying nations because of a great and deadly war. But there is no war in the coast trade. There are ships and men enough there—and more than enough for all the commerce to be carried now—and more than enough, when the Panama Canal is opened.

The other day there was presented to the Senate a list of more than 160 steamships from which lumber carriers, coal carriers, grain carriers, and general cargo vessels could be selected for the traffic through the canal from the North Pacific coast, where it had been asserted in telegrams to the Senate that only two American steamships were available, although there are on the Pacific coast a million tons of American shipping, or averaged up, a thousand vessels of a thousand tons gross register each. A single shipping company, since that telegram was read in the Senate, has formally offered to contract to carry all the lumber that will be shipped this year through the canal from Puget Sound. Many companies are going into this canal coastwise service. Lumber tonnage will be offered to the Puget Sound people by many independent competing steamship companies of the Atlantic coast. The unvarying testimony of practical shipping men who are going into this trade is that there will be more shipping space than there will be lumber for a long time after the canal is opened. Nowhere else except on the North Pacific coast has there been in the entire debate over the impending bill the slightest pretense that any scarcity of coastwise ships existed.

I can assure the Senate that throughout the past spring and the present summer, because of the general depressed and halting condition of business, the volume of coastwise commerce has been seriously reduced. In every important port on the Atlantic and the Pacific coasts many coastwise carriers have been lying idle—17 at Boston, for example, more than 30 at New York, and nearly 40 at San Francisco. Even some of the newest and most capacious cargo steamers of the coast fleet have been swinging at their anchors or tugging at their cables alongside deserted piers.

It is in the face of this condition of depression and unemployment that this conference report now strikes a wicked blow at what is left of the American merchant marine and American shipbuilding by establishing absolute free trade in the industry and throwing against our unemployed American coastwise ships the unemployed ships of all the world. It is heaping misfortune on misfortune to American ships and American crews for the benefit of foreigners.

MISUSING THE AMERICAN FLAG.

The bill passed by the Senate was bad enough, but the conference report is vastly worse. In the Senate bill, on the motion of the Senator from Iowa [Mr. CUMMINS], an amendment had been inserted requiring that in the case of any corporation hereafter purchasing and registering a foreign ship pursuant to the act a majority of the stock should be held by American citizens. This wise safeguard is dispensed with in the conference report, which leaves ownership by corporations defined only by the loose and dangerous language of the Panama Canal act of August, 1912; that is to say, the conference report would allow the Cunard Steamship Co., subsidized by Great Britain, or the North German Lloyd Co., subsidized by Germany, or the French line, or a Japanese line, to take its older and slower ships, built by subsidy and long run under subsidy, and put them into the coastwise trade of the United States from Boston to Savannah, from New York to New Orleans, from New York or Philadelphia to San Francisco, from New York to Porto Rico, from San Francisco or Seattle to Hawaii.

All that would have to be done in such a case—all that is required by the conference report, which the Congress of the United States is now asked to enact—is for the British or German or Japanese or French steamship managers to step across

from New York to Jersey City, organize there a dummy corporation, with one of their naturalized clerks as president, and stenographers or office boys as directors, and then transfer their foreign-built ships to the American register, with their foreign officers and crews complete, under the discretion given to the President to remit not only the requirement imposed on all American-built ships that their masters and officers shall be American citizens, but the further requirement that the ships must comply with the United States inspection laws as to seaworthiness, safety, and efficiency in carrying.

Of course in every such case as this a solemn affidavit will be made that no American officers duly qualified could be found, and these foreign officers will be retained on these foreign-built ships at wages not very much, if any, greater than are paid on real American ships to the seamen in the forecabin or the coal passers in the fireroom.

A BILL FOR THE BENEFIT OF FOREIGNERS.

This bill in the shape in which the conference report has left it is a bill for the benefit of foreigners and for the injury and ruin of real Americans. It is a bill that proposes to dishonor our flag by allowing it to be hoisted over ships in the coastwise trade that are absolutely alien from keel to truck—not only foreign-built but foreign throughout in control and ownership. It is one of the most dangerous and indefensible measures in its present form ever proposed in the American Congress, and I have no doubt that if it could be submitted to-morrow to the votes of the American people it would be condemned by an overwhelming majority of our patriotic citizens East and West, North and South. It is entirely within the range of possibility that within a month after its enactment, if it is enacted, we shall see foreign steamships, foreign owned, foreign officered and manned, with nothing American about them except the flag under which they are masquerading, running in our domestic trade between American ports under subsidies of foreign governments.

The flag means nothing to these people. Has the Senate of the United States so quickly forgotten our experience in the Spanish War of 1898? Merchant ships were desperately needed then for transport and auxiliary service. The resources of our coast fleet, not so large and efficient then as now, were soon exhausted. Before the outbreak of actual hostilities the Government bought ships of foreign register, seeking first those supposed to be owned and controlled by American citizens. Let the Senate consider this well, that in many cases where those foreign ships were actually bought they proved worthless to the Government, because they were promptly deserted by their foreign officers and crews, who refused to risk their lives for a flag they did not love in a war in which they had no interest. These ships lay idle and useless until officers and men could be summoned from all along shore—real Americans, citizens and residents of this country, whose allegiance was given to the flag that was endangered.

MAKING WAR ON AMERICAN SEAMANSHIP.

This bill in its present form not only destroys American shipyards and the art of shipbuilding, American ship owning and all its allied interests, but American seamanship as well, for when these foreign-built ships are brought by their foreign owners through the expedient of a dummy corporation beneath the American flag, the British owners will give the preference to British subjects, the German owners to German subjects, and so with the French or Japanese. There will be no work for American officers or sailors. The national prejudices of the foreigners who will monopolize our domestic trade exactly as they now monopolize our foreign trade will move them to discriminate against Americans in every possible way.

Mr. President, there are boys growing up in our seacoast towns, boys on the school ships maintained by our maritime States, who have an honorable ambition to follow the calling of their fathers. The steady growth of the American merchant marine in coastwise trade has been giving these lads an opportunity. The number of thoroughgoing American sea officers has been increasing, as has the number of American citizens serving on shipboard in more humble capacities. This proposed bill strikes not only at the American shipbuilders of Bath and Boston, of New York, the Delaware, Chesapeake Bay and Newport News, Seattle and San Francisco; not only at the shipbuilders and shipowners all along the shore, but also, and in a most direct and deadly way, at the American officers and sailors, wherever born and wherever found. These men, as their fathers were before them, are the best seamen in the world, as the world's records show. The lowest insurance rates in the world are rates given to American steamships of the coast trade, and given to them because they are the most efficiently and safely handled. The real American sailor on the bridge or on

the deck is to-day, as he has been for two centuries, the consummate master of his calling in peace or war.

This conference report, if adopted, will not only rob the American shipbuilder and shipowner of his dividends, but it will rob the American sailor of his livelihood. Where, then, will be our Naval Reserve in time of war? Do you think that we can hire British and Germans and French and Dutch and Italians and Scandinavians and Japanese to officer and man our auxiliary ships and fight our battles? It is an unerring instinct of self-preservation that requires that all the officers and enlisted men of the American Navy shall be American citizens, and it is an eloquent fact that to-day practically all the officers and 90 per cent of the men are American born.

This bill as it is now framed, with its absolute free trade in foreign-built ships and its attack upon the wise regulation that ship officers shall be American citizens, is a measure for the destruction of the sailor's profession in the United States—more fatal to our national defense than the actual broadsides of an enemy.

We have lost our over-seas shipping, or all but a fragment of it, and with the ships we have lost our American officers and men. Seven-eighths, or perhaps more, of all our officers and seamen now employed on the ocean are in the coastwise trade. This bill in the form in which it is now proposed would sweep these Americans off the seas. I repeat again that the bill is a measure for the ruin of Americans and for the benefit of foreigners.

WHY AMERICAN SHIPS COST MORE.

A good American steamship like the newest of those now running in the coastwise trade costs in an American shipyard, if of 5,000 or 6,000 tons gross register, equipped both for freight and for a moderate number of passengers, a sum not far from \$675,000. Its materials are all free of duty under the existing law; but, simply and solely because American wages in the shipyard are from 80 to 100 per cent higher than European wages for the same kind and amount of work, this American steamship costs about \$200,000 more than a foreign steamship of similar size, speed, and equipment.

Who will pay \$200,000 more for an American steamship when under free trade in shipbuilding a foreign steamship can be purchased? The American master of such an American-built ship will be paid about \$200 a month. A foreign master can be secured for \$100, or perhaps \$125, and the wages of his officers and crews are in like proportion. Under the Japanese flag wages are lower still. Japanese seamen receive \$8 a month, as compared with \$20 to \$50 a month for Americans, and Japanese shipyards pay their mechanics 30 or 40 cents a day, while the Japanese Government, besides, gives a bounty of \$12 per ton for new construction.

WHO ARE THE BENEFICIARIES?

I will invite the attention of the distinguished Senator from New York, the chairman of the committee (Mr. O'GORMAN), to the fact that the principal beneficiaries under this bill will be the shipyards, the shipowners, and the seamen of Great Britain, Japan, and other foreign countries.

The United States is nominally neutral in the great war now convulsing Europe. But by this bill in the form in which the Senator from New York presents and supports it the American Congress is actually in effect conferring upon England and English sea power, and also upon Japan and Japanese sea power, a greater boon than could be secured by a victory in war. British shipyards are the fruit of \$400,000,000 of British subsidies given in 60 years to British steamship services. With such an industry so lavishly and persistently protected, backed at every point by Government and national support, American competition is absolutely impossible. The bill which the Senator from New York champions is in its present form the greatest advantage which the American Congress can possibly confer on Great Britain. Are the people of the Senator's own State of New York, as of my State of New Hampshire, under any obligation of duty or affection to the British Government that they should sacrifice American shipbuilding and American navigation in the way which this bill proposes? I think not, and I am sure that at any other time and under any other conditions he and I would be in entire agreement on any such proposition as this, so vitally involving the safety and the welfare of our country in peace and war alike.

A BILL TO DESTROY OUR SHIPYARDS.

Mr. President, these American commercial shipyards, which the absolute free trade proposed in the pending bill will inevitably destroy, are the yards which have built nearly all of the present battleship fleet of the United States. Imagine the incalculable value of the destruction of these shipyards, and the crippling of our means of national defense, to foreign Governments, our rivals in trade and possible enemies in war.

There never was a time when the need of an adequate fighting Navy was more manifest and better understood than now by the American people. No part of the responsibility for the destruction of American shipyards, and the consequent impairment of our power to build battleships and to repair them in peace or war, will be assumed by me, and I earnestly hope that none will be assumed by the political party of which I am a member. If this bill is passed it must be passed with the assured understanding that only one of the Government navy yards of the United States is yet equipped to build a dreadnought. There are at least six private shipyards on the Atlantic coast and two on the Pacific that are equipped to build these heavy men-of-war, and if you close and destroy these shipyards it will cost the United States Government at least \$100,000,000 to replace the plants that are eliminated.

This, Mr. President, may be looked upon as an extreme statement, but I will nevertheless say that this bill, if it becomes a law in its present form, will make the grass grow for at least two years in every shipyard on either coast of the United States.

Mr. President, if we can get a foreign ship costing \$500,000 in its construction as against \$750,000 built in an American shipyard, is it conceivable that a single American ship will be built in an American shipyard through these two eventful years? And it must not be forgotten that these foreign ships when they are admitted to our register and become part of our coastwise fleet are to continue there indefinitely.

PARALYZING THE COAST TRADE.

The enactment of this proposed legislation will throw 25,000 mechanics and laborers out of employment in American shipyards, and give employment, if it provides any work at all, to mechanics and laborers in Europe and Japan. It will turn our ship-owning business over to the subsidized and bountied steamship companies of foreign Governments. It will drive American officers and seamen off the ocean. It will give to foreigners, who now control 92 per cent of our over-seas carrying, the monopoly also of our domestic carrying. The American flag borne by these foreign-built, foreign-owned, foreign-officered, and foreign-manned steamships in American domestic commerce will be a fiction and nothing more. In time of war and trouble these ships, whose actual control will be in Europe and Japan, will inevitably be taken out of our coast trade, as foreign ships have been out of our over-seas trade. The American flag will be hauled down and the foreign flag of the real owners substituted. We have let foreign ships control the carrying of our imports and exports. They have failed us in this emergency. Pass this bill, turning our coastwise commerce also over to foreigners, and in the case of any war like the present one it will be possible for foreigners to paralyze the carrying trade between Boston and Savannah, between New York and New Orleans, between Seattle and San Francisco, and between the Atlantic and Pacific ports of the United States as completely as our trade is now paralyzed from American ports to the ports of foreign nations.

NO COASTWISE SHIPPING TRUST.

Mr. President, just a word as to the alleged shipping trust or combination in the coastwise trade. The Senator from New York [Mr. O'GORMAN] gravely stated this morning that 92 per cent of the coastwise trade was dominated by a trust.

It is stated in the report of the House Committee on the Merchant Marine and Fisheries that investigated recently steamship trusts and combinations in the foreign and domestic trade that—

All told, the 30 lines referred to, * * * as controlled by railroads or shipping consolidations, operate 330 steamers of 868,741 gross tons, or nearly 70 per cent of the total number of steamers and 74 per cent of the tonnage.

The Senator from New York put it at 92 per cent. This statement refers to the entire coastwise and Great Lakes trade of the United States, but, as the report distinctly says (p. 403), the statement deals exclusively with the "regular-line services."

Mr. President, in this connection I can not refrain from saying that it always interests me to hear the declamations against American combinations and American shipping trusts, when every sane man who has given this subject one moment's consideration knows that the greatest trust in all this world is the shipping trust of Great Britain. There is no escape from that statement, and yet we discuss American combinations and American shipping trusts, and propose to legislate to turn our coastwise trade over to the mercy of the shipping trust of foreign countries.

This statement of the House committee has been misinterpreted as meaning that 74 per cent of the entire tonnage in the coastwise trade of the United States was controlled by "railroads or shipping consolidations."

This is a grave error, as I pointed out on a former occasion, but it does not seem to have found lodgment in the minds of some Senators.

The truth is that most of the coastwise tonnage of the United States consists not of regular liners but of tramp vessels, steam and sail, going wherever cargoes are to be found. A small part relatively of this tramp tonnage may consist of tugboats and barges used chiefly for coal and owned by railroads. But the ownership of by far the greatest part of the coastwise shipping is wholly independent of and competitive with railroads and shipping combinations.

This is clearly seen from the fact that the 868,741 gross tons of steamships described in the House report as "controlled by railroads or shipping consolidations" is only a fraction of the total coastwise shipping which, according to the report of Commissioner of Navigation, consisted of 6,736,240 tons on June 30, 1913.

In other words, only one-seventh or less of the total tonnage of the American merchant marine in the coastwise trade appears by the House committee report to be controlled by the "railroads and shipping consolidations" mentioned.

On the other hand, the House report brings out the fact that the most formidable, aggressive, and oppressive shipping trusts and combinations are those of foreign flags and foreign ownership in the foreign trade of the United States.

The committee says (p. 415), in summarizing its findings, that—

The facts contained in the foregoing report show that it is the almost universal practice of steamship lines engaged in the American foreign trade to operate, both on the inbound and outbound voyages, under the terms of written agreements, conference agreements, or gentlemen's understandings. * * * Eighty such agreements or understandings, involving practically all the regular steamship lines operating on nearly every American foreign-trade route, are described in the foregoing report.

It is to the tender mercies of these foreign steamship combinations, monopolizing our foreign commerce, that the pending bill proposes to turn over the coastwise trade of the United States.

It may be added, Mr. President, that in the Panama Canal act of 1912 an important beginning is made in an effort to divorce existing American steamship companies from the control of railroads, and proceedings are already being brought to that end. Moreover, ships owned by railroads or illegal combinations in restraint of trade are forbidden by that act the use of the Panama Canal.

The six American commercial shipyards that can build dreadnoughts are the Bath Iron Works, of Bath, Me.; the Fore River Shipbuilding Corporation, of Quincy, Mass.; the New York Shipbuilding Co., of Camden, N. J.; the William Cramp & Sons Ship & Engine Co., of Philadelphia; the Maryland Steel Co., of Baltimore; the Newport News Shipbuilding & Dry Dock Co., of Virginia; the Union Iron Works, of San Francisco; and the Seattle Shipbuilding Co., of Seattle, Wash. Why not give employment to the men in these yards rather than to foreign competitors?

Again, if foreign ships are cheaper to build in foreign yards, why should not most of them be built there and why will they not go there for their repairs as well as for construction?

AN INCONCEIVABLE PROPOSAL.

Mr. President, I have never before felt so profoundly a duty that I owe, not to the people of my own State, because we have no shipyards and only a few ships in New Hampshire, but to the people of this country, as I do at this moment. These laws, as I have before said, have been on the statute books since the days of Washington. They have been amended and liberalized from time to time. They are not perfect. Beyond a doubt they need revision. They have been discussed by great men in this body and in the other House of Congress. They have been discussed in maritime journals and in the great papers of the land. But no one, Mr. President, in his wildest dreams ever thought that those laws would be stricken down through the instrumentality of a conference report presented to the two Houses of Congress. To me it is inconceivable that that should be attempted, and while it may be thought that this is a dream of my fancy, I will venture the suggestion that I do not believe the Senate of the United States will agree to this conference report.

I regret, Mr. President, that we have not a rule in this body, such as obtains in the other House of Congress, that a point of order can be made against a conference report, because this conference report, in my opinion, absolutely violates every rule and tradition of the Congress relating to reports of that kind.

What has been done? The House sent a bill here without any provision relating to the coastwise fleet of the United States. The Senate amended it by providing that the coastwise trade should be open to a certain extent in this country. If I under-

stand what is submitted to the conferees, it is the differences between the two Houses, and the conferees can not go beyond those differences. In other words, the question is, Shall the House measure, which has no provision in it concerning this matter, be agreed to, shall the Senate provision be agreed to, or shall the Senate provision be modified, reducing it from the terms in which it is found in the bill? But the conferees, apparently in their great desire to accomplish by this short cut what they know can not be accomplished if bills are presented to the two Houses, submitted to the scrutiny of committees and to the discussion of the bodies, insert an entirely new provision, which has never been submitted to either House. Of course, they paid no attention to what the House did, because the House did nothing on that point, and by violating our rules they open the entire coastwise trade of the United States to foreign ships for two years.

I am not going to discuss that matter at length. I am either correct or not correct in my statement, and if I talked two hours I could not make it plainer than I have made it in these few words.

Turning to the rules of the Senate, on page 440, paragraph 29, I read:

Conferees may not include in their report matters not committed to them by either House—

And so forth.

I might occupy a half hour reading matters relating to conference reports from the rules of the Senate, from Jefferson's Manual, from Cushing's Manual, and from every other authority on parliamentary law, showing that when the conferees exceed their authority they go beyond what is permitted to them by the rules of any legislative body on earth. So I say that the conferees in this case absolutely and utterly went beyond their authority in enlarging this provision to the extent that they have.

But, Mr. President, no point of order lies in the Senate against a conference report. Hence I will not make it. In the early days, and until recently, a motion to recommit was in order in the Senate, and a great many conference reports have been recommitted. But I observe on examining the rules that the custom of the Senate in that regard has been departed from of late years. So I shall make no motion of that kind.

I must content myself, Mr. President, with making the appeal that I have made and in repeating that appeal, that the conference report be rejected and sent back for further consideration, with a view and in the hope that this obnoxious provision may be stricken from it.

But, Mr. President, if the Senators who are interested in good legislation, and if the Senators who have this great industry in their own States, see fit to vote for this report and do this great wrong, as I conceive it to be, I have no remedy but to bow in acquiescence.

Mr. BRISTOW. Mr. President, I will detain the Senate but a moment. I can not understand why the conferees should have agreed to the report that they have. It seems to me that it is turning over the domestic commerce of the United States to foreign ships. It is a little dangerous now, because of the European war, for the ships of certain nationalities to engage in foreign trade. We started out here to legislate in the interests of the export business of the United States and to get vessels under our own flag to carry our products to European countries, but when it was discovered that it might be unsafe for the ships that are flying a foreign flag to change flags and undertake to carry the products of the United States to foreign countries under the United States flag with still a foreign ownership, then, in order to open a field for these foreign ships that are now tied up, it seems that there dawned upon the gentlemen who were promoting this legislation that they could open up the American domestic commerce to these foreign ships. It is now proposed that these ships that are now driven off the sea by the European war can come in and take the commerce of our own country from our own ships that have been built to carry that commerce, and make the American ports and American commerce the harbor of refuge for foreign ships that have been driven off the ocean by the war.

It is the most amazing proposition that has been presented to the American Congress for a generation. It seems to me that an American citizen ought to have some rights in his own country and that the American Congress should not deliberately begin to confiscate the property of the American shipowner. This legislation is nothing but confiscation of property that has been acquired under our laws—laws that have existed for more than a century—and this seems to be done in order to protect foreign ships that can not now safely pursue the commerce which they have been pursuing for recent years because of the war.

It is now proposed to permit them to come into our domestic commerce to the destruction of our own domestic shipping. The result will be that our domestic trade will soon be carried in foreign bottoms, as has been our over-seas trade. It is proposed that ships carrying our domestic commerce need not have a dollar owned by an American citizen. They need not have a man or an officer who owes fealty to the American flag. It is the most astounding proposition I have ever known presented to the American Congress. Under the assumption that we do not have any over-seas merchant marine, and that the American foreign commerce is carried in foreign bottoms, and foreign ships now being handicapped by the war, it was proposed to temporarily obtain ships to carry our products abroad by suspending our navigation laws as to such foreign commerce. That is what we started out to do.

But now we have gone far beyond that, and if this report becomes a law we will destroy our domestic merchant marine, just as our foreign merchant marine has been destroyed. This bill now, instead of being a bill to benefit American producers, is a bill to destroy American industry. None of these ships will go into the foreign trade. They will engage in our domestic trade, and our products will still be without ships.

I could not resist the inclination to express my views as emphatically as I could against this report, which, in its present shape, I regard as an unpatriotic and infamous piece of legislation.

Mr. JOHNSON. Mr. President, I rise with a sense of the deepest responsibility to discuss this conference report, because this legislation means much to my State. The shipbuilding industry is one of the oldest there. Early the sound of the ax and the hammer and the saw was heard along its coast, and from our harbors sailed its fine clipper ships, which were the pride of our sailors and which were looked upon with admiration by the citizens of the world. We had the oak and pine in the forest; we had the harbors, and we launched upon the main those grand ships, some of which were commanded by the senior Senator from California [Mr. PERKINS], who knows the history of that industry. Now, with no hearings, and when for the first time in 60 years a Democratic Senator from Maine takes his seat with his colleagues from the South and the West in this Chamber, with no warning, it is proposed to strike down that old industry which has existed for more than a century in our State. It is unfair; it is unjust. It is unjust to the State; it is unjust to the citizens of this Republic. It is a subject which demands and should receive more considerate attention. Such legislation should not be placed upon this great emergency bill as a mere incident.

I am afraid that many of my colleagues fail to appreciate the importance of this legislation. What does it do? Opening up our whole coastwise trade to foreign vessels at a time when there is nothing for them to do, when war has made it dangerous for men to sail the seas under their own flag, they can now be purchased at much less than their cost and put into our coastwise trade to compete with our American vessels.

We have some 200 vessels owned by the citizens of my State. I know but little about the so-called coastwise shipping trust. I only know that my whole political life has arraigned me on the side opposed to monopoly or special privilege; but in my State the vessels that we build are not built by trusts. They are built by the citizens who wish to provide a vessel for a sea captain, a master proud of his calling. His friends unite, each taking a sixty-fourth, a thirty-second, a sixteenth, or an eighth interest. Under his command the vessel is launched upon the waters. The owners may receive some return from the first voyage, but possibly on the second voyage disastrous gales strike her and she goes into port, crippled, for repairs and her earnings are absorbed. Perhaps upon a third voyage she may go to the bottom with captain and crew, and the whole investment is lost. Even if she continues to sail, the return is not large. If her owners get her insured, it will take nearly all the earnings to do so. The only hope for an investor in such property is to own a small share in a great many vessels and take his chances. Even that is not profitable. That is the condition of the shipping industry in my State.

There is no trust. The sea captain, when he takes his vessel, goes to Boston or to New York and seeks a cargo to the West Indies or to the south. He meets hundreds of other vessels with which he has to compete. If he gets a charter party, he will only get it because his rates are lower. There is no combination. That is his calling, out upon the broad sea, unfettered by any contracts, unfettered by any understanding. It is as free as the ocean and as the breezes that fill his sails.

Now, at this time, with no opportunity to be heard, you strike at him; you strike at that industry. No legislation has

been attempted since I have had a seat in the Senate when we did not give opportunity to interested parties to be heard. You have not heard these people. With no warning and out of a clear sky you launch this disastrous blow upon an old and honorable industry, one that has brought dignity and power to our country and also to our State, and to the Union has given some of the most splendid seamen who have served not only upon your merchant vessels but have entered your Navy as well. It has furnished whole pages of illustrious names of men who, from their knowledge of the sea, could perform great services for the country.

What is the need at this time, when we are considering the demands of our export trade, to make this attack upon our coastwise laws? If it becomes necessary later, if vessels can not be obtained for our coastwise trade, if it be true, as the distinguished Senator from Washington [Mr. JONES] thinks, that the Pacific coast will suffer because of the failure to obtain vessels—if that appears later, then we can legislate; but why at this time, before this need is made apparent, should we deal this blow at our coastwise trade? Why not leave this measure as it came to us, a broad national measure dealing only with our export trade, and provide vessels to carry our over-seas commerce, and then, later, when the need becomes apparent, if it does, legislate in regard to our coastwise trade? But let us do it with consideration; let us give the people who are engaged in it a hearing; let them come here as people have come in other matters and place their case before us.

Mr. BORAH. Mr. President, I signed this conference report, and I did not sign it under any misapprehension or any impulse. I have felt for some time that it was perfectly fair to do precisely what this report purports to do with reference to the coastwise trade and coastwise shipping. There have been a number of things which have led me up to this point, transpiring in the legislation of this country for the last two or three years. I say, therefore, that it was upon no impulse or lack of reflection that I signed this conference report, and I am prepared to support it. The law protecting coastwise shipping is a form of the protective policy.

Some few years ago, Mr. President, there began an agitation in this country among our eastern friends along the Atlantic seaboard, in Massachusetts and other places, for the placing of all agricultural products upon the free list, for open, untrammelled competition as between the farmers of Canada and those of the United States. No one could doubt that that was, as a practical proposition, distinctly and unquestionably a sectional measure for the purpose of placing the great producing regions of the West and the South in the open markets of the world for sale and in the protected market of the United States for purchase. Unfortunately, the party of which I am an humble member and which had been adverse to that view for nearly 50 years, took up this doctrine of raw material and applied it to the farming interests and the agricultural interests of the country and attempted to engraft it upon the revenue laws of the country and upon the policy of protection. The scheme was to leave the manufacturing interests in the great manufacturing centers of the East as fully protected as they had ever been, but to put that great region of the West and South—because that has come to be the great agricultural producing region of the country—under another rule entirely. That was defeated through no act of ours, but through the act of Canada, for which we owe her a great debt of gratitude.

When we come to the tariff bill, the Underwood bill, which passed Congress during the last session, we find the same discrimination. Everything which the farmer raises, practically everything which comes from the field of his production, is upon the free list, while the articles which he must purchase still carry a reasonable amount of protection, in many cases sufficient, in others, perhaps, not so; but he is now placed in a position where he is not only in open competition with his neighbor upon the north but he is in open competition in the free markets of the world, with the agricultural producers throughout the civilized world. At the same time most everything he buys carries some duty.

Following those steps, we took another, and that was to repeal the toll-exemption clause of the Panama Canal act. That was to place the West, and the producing interests of the West especially, at a further disadvantage. Every substantial important movement along this line of legislation for the last three years has been to place the great producing regions of the West at a disadvantage. That has been accomplished and about made perfect by every bill which led in that direction which has been before the Senate.

Now, Mr. President, so long as that condition continues I am for free ships. I am not willing that the American farmer, the agriculturist of this country, the producer generally, shall

send his products to an open market in a protected ship. When the American people come to the conclusion that they want free trade, and this coastwise law, as I say, is a mere form of protection, there is no reason why that principle of free trade should not be extended to all alike. On the other hand, if they conclude that they want the system of protection restored we will be glad to meet them and restore it as a system. The American protective policy is either a system, nation wide and applicable to all, a system which should be applied to every citizen and every industry that comes under the purview of its principle, or if not that then it is a special privilege and indefensible and intolerable. There is nothing unjust, nothing unfair, in giving a man who goes to an open market a system of transportation built upon the same principle upon which his market is constructed.

I would not strike down a single industry; I have no reason to assail the shipping industry; but if it is possible in any way to ameliorate or assist the situation for the western producer by bringing to the same principle all industries, I propose to cast my vote to accomplish that purpose. I am a protectionist, but I am for it as a great national system, a national policy, a policy which gives employment to labor and a better wage, which sustains and upholds American enterprise and American industry. But I can not get my consent to see it applied with discrimination, sectionally, or according to the doctrine of a favored few. It undoubtedly, in my judgment, to some extent will militate against the interests of the coastwise shipping at the present time, but, in my opinion, it will inure to the benefit of another class of people, who have been signally discriminated against in our legislation for the last two years, and thus even to some extent the burdens which are upon us.

So I say, Mr. President, that so far as I am concerned my action in signing the conference report was not a matter of impulse or due to want of reflection. There has never been an hour since the President attached his signature to the bill repealing the exemption clause of the Panama Canal act that I have not been ready to take this step.

The PRESIDENT *pro tempore*. The question is on the adoption of the conference report.

Mr. GALLINGER. Mr. President, just a word. As I understood the Senator from Idaho—and he was rather frank—he suggested that the people of the Atlantic coast had at some period—I do not know when it was—entered upon a movement to discriminate against the products of the great West. Am I correct in that?

Mr. BORAH. I do not know that that is the exact language, but I am willing for the Senator to take that basis upon which to make his argument.

Mr. GALLINGER. I am not going to make an argument. I am only going to say to the Senator from Idaho that he will search the RECORD in vain, during the past 15 years certainly, to find a single vote that has been cast in this body by New England representatives that has been calculated to harm in any way the industries of the Western States. We have stood, as I have stated, for protection; we have tried to make it a national question; and I am sorry that the Senator has been led to feel that at any time the people of New England especially were antagonistic to the interests of the West. There may have been perhaps a little faction somewhere in New England—Massachusetts has given us more or less trouble in several directions first and last—but, as a whole, we have stood unflinchingly by the interests of the Western States. I think the Senator will agree with me as to that.

Mr. BORAH. No; I can not agree to that. I agree that that is true so far as the vote of the Senator from New Hampshire is concerned; but the reciprocity bill would not have been carried through the Senate without the aid of New England; it could not have been put through as a law without the assistance of representatives from New England, and the bill repealing the exemption clause of the Panama Canal act could not have been put through, in my judgment, without their assistance. The Senator has been loyal to his convictions; he has stood by them. But New England started the scheme to put all farm products upon the free list; and if she sees now the principle returning, to take up its abode amid her own distressed industries, it might be said to be a quick and significant application of the divine law of retribution.

Mr. GALLINGER. Mr. President, I will agree to that. I had overlooked the reciprocity bill, which I fought tooth and nail as best I could, and I have neither sympathy nor apology for any eastern man who voted for that measure.

Mr. JONES. Mr. President, I merely want to say a few words before action is taken on the conference report. When the Senator from Maine [Mr. JOHNSON] was speaking with

reference to the disastrous effect the provision of the bill admitting foreign-built vessels to the coastwise trade would have upon a great industry in his State, I could not help thinking of a suggestion which he made to me in connection with the tariff bill. I was trying to show him the injury which the passage of the tariff bill would do to the shingle industry of my State if shingles were put upon the free list. He suggested to me that they wanted to try the experiment. It has been tried and has proven very disastrous for us. The shingle industry is greatly crippled, many men are without work, and the home market is being taken by foreign shingles. I will not say that we want to try this as an experiment on the industries in Maine, but I do not believe that the passage of this bill will have the effect which the Senator anticipates. I hope I may not be so much mistaken as he was.

Mr. President, this is an administration measure brought in here as an emergency proposition. Personally, I doubt very much the necessity for it; I doubt very much if any great good will come from it; I doubt very much if what is hoped for from the bill will be realized at all. If I vote for it, it will simply be to help the administration in what it thinks necessary in the emergency existing, and not because I believe this to be especially desirable legislation.

When the bill was before the Senate I thought, and I still believe, that there was such an emergency on the Pacific coast that our people were affected so much in the same way as the industries of the Atlantic coast that brought forth this bill as to warrant the presentation of the amendment which I submitted. It was not offered simply because the situation afforded the opportunity, but in the hope of meeting a situation most serious with us. That amendment, with the suggestion offered by the Senator from Mississippi [Mr. WILLIAMS], was adopted and went to conference, and now the conference committee has brought back that provision in effect, but, as has been suggested by the Senator from New Jersey, has made it broader. While the substance of my amendment is covered fully by the conference report, the conferees have gone beyond the action of either the Senate or the House.

The Senate simply provided that foreign-built ships admitted to American registry could engage in the intercoastal trade; that is, in trade between points on the Pacific coast—and when that language was used it meant the entire western coast of the United States—and points on the Atlantic coast, and when that language was used it included what the people of the East recognize as the Gulf ports, but which we in the west always recognize as part of the Atlantic coast, or the east coast line of the United States. That was as far as it went. It was designed to meet an emergency that existed on the Pacific coast in even a greater degree than on the Atlantic.

As statements have been made here that there are idle ships in the coastwise trade on the Pacific coast, I desire to say that there has not been any showing made that those ships are of a character that can engage in ocean or seagoing trade; and it will require ocean or seagoing vessels to engage in trade between Atlantic and Pacific ports through the Panama Canal. Such a voyage is even longer than the voyage between New York and Southampton, and is even more of an ocean-going voyage than that, if there can be any difference at all. The vessels that are idle are not such vessels.

That was the emergency; that was the situation which the Senate endeavored to meet. As I have suggested, the conference committee, I think, have gone further than they had any authority to go, either under the rules of the Senate or under general parliamentary procedure. Nevertheless, they have gone that far and have extended this provision to the coastwise trade generally, and their report is before us.

While I agree with practically everything which the Senator from New Hampshire [Mr. GALLINGER] has said with reference to the desirability of preserving the coastwise trade to American-built ships, and as to the desirability of encouraging American shipyards, the employment of American labor in those yards, the building of ships out of American material, and so forth, I do not believe that the results that are predicted from this provision will come about at all. If I thought they would to any very great extent, I would not be in favor of the provision, although I agree very much with the sentiments of the Senator from Idaho [Mr. BORAH]; and I said when the bill repealing the exemption clause of the Panama Canal was passed that that meant the death knell to the American-built ships occupying exclusively the coastwise trade of the United States, because you can not maintain in this country, Mr. President, coastwise laws that are applied to one section of the country differently from the manner in which they are applied to another section of the country.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Certainly.

Mr. BORAH. The Senator says that we can not maintain that situation, and I agree with him; but if we could do it, if we had the power to do it, upon what theory of justice would you compel the western farmer to sell his goods in an open market and to pay for shipping them on a protected ship?

Mr. JONES. There is not any theory upon which that can be maintained. That is the very reason why it will not be maintained; justice must be meted out impartially to every section of the country and to all the people of the country. That is the very basis upon which our laws should be maintained, and when we undermine or break down that principle, then the system is going to fall.

It has been shown apparently that the shipping industry is in very much the same depressed condition in which we find many of the other industries throughout the country. This is not the time and this is not the place to go into the reasons for that depression. I have my ideas about it; I have my views with reference to the cause of this depression, not only in the shipping industry but in the other industries of this country; I think I know the causes of it, and the people know it; but if we grant that there are many coastwise ships now without business and now tied up, that proves, at least to my mind, that there is no serious danger to be apprehended from this legislation, because foreign-built ships are not going to go into a business that is stagnant and, in fact, where there is no business, so I doubt if very many foreign-built ships will enter the coastwise trade at all. They may, and that is my hope, enter the intercoastal trade wherever ships are lacking.

Furthermore, under this proposition the privilege is limited to a period of two years; no foreign-built ships registered for the foreign trade can be admitted into the coastwise trade after two years, unless, of course, Congress should extend the time or should provide other legislation, and if it does, of course that will be very carefully considered. So that, upon the whole, this legislation, it seems to me, is very much restricted.

I believe that it will furnish to the people of the Pacific coast some relief from the situation that confronts them. I know that our people do not want to see the domestic trade generally opened up to foreign-built ships, and I have some telegrams here which I think it but fair that I should place in the Record, if the Senate will permit. I ask permission to have published in the Record a couple of telegrams with reference to this matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none, and the telegrams referred to will be printed in the Record.

The telegrams referred to are as follows:

SEATTLE, WASH., August 13, 1914.

HON. WESLEY L. JONES,
United States Senate, Washington, D. C.:

We are much opposed to emergency shipping-bill legislation as reported in to-day's dispatches, but do not want to stand in the light of what is best for the United States as a whole; but if Congress insists upon passing bill, then they should give short coastwise owners a bonus on vessels they have recently built at American yards, paying 50 per cent more therefor than our neighbors in Canada that have built in England and brought their vessels out here.

JOSHUA GREENE.

SAN FRANCISCO, CAL., August 13, 1914.

HON. WESLEY L. JONES,
United States Senate, Washington, D. C.:

There is absolutely no occasion for admission of foreign steamers to domestic service on this coast. There is now a large number of American steamers tied up here on account lack of business. This company alone has five steamers tied up. It will be a grave injustice to American shipowners to admit cheaply built and cheaply manned foreign steamers into competition with them. It will put American shipyards out of business other than for repair work.

J. C. FORD,
President Pacific Coast Steamship Co.

Mr. JONES. Mr. President, some telegrams have referred to vessels in the coastwise trade that are now idle, but there is no suggestion that these vessels are available or would be available for trade through the Panama Canal or for the overseas trade. Of course some foreign-built ships might come into our local coastwise trade on the Pacific; but I think that the great benefit which is likely to come by reason of making available ships for the Panama Canal trade far overbalances any anticipated or any probable or possible injury that might come to local domestic trade.

Furthermore, Mr. President, we are confronted in this matter by the same conditions that we are always confronted with when we propose to change any long-established system or policy or principle. There are always those who will protest most vigorously against any action that may interfere with

their business, and if any change, however slight, is proposed, they see nothing but ruin confronting them. That is natural; I do not find fault with the gentlemen who protest in that way; they are looking after their interests, and, as I have said, I find no fault with them for it. I do not believe they are unpatriotic in making such protests and such suggestions, but I do think they overdo it oftentimes. While men are selfish, they should not allow their selfishness to close their eyes to the wants and needs of others. We, as legislators, must look at all sides and at all the people who are interested in these matters. The shipbuilder and the shipowner are not the only ones who are interested in this question. The producers of the country and the producers of my section, the consumers of the country and the consumers of my section are interested in this matter. They are interested in what they have to pay for the transportation of their products to market; interested in having ample facilities for the transfer of their products to market, and even if it were granted that this legislation might bring into the coastwise trade some additional competitive ships, it would simply furnish to our producers and to our consumers increased facilities for getting their products to market and a check upon extortionate charges that come from a lack of transportation facilities.

One reason why I doubt if this bill will accomplish the great purposes of those who present it, even in the foreign trade, is that while there is a showing here as to the great amount of tonnage in the coastwise trade that is suitable and available for the foreign trade, these ships do not seem to be availing themselves of the opportunities presented. They are not seeking and are not registering for the foreign trade. We have seen in the last few days an example of how the shipping industry acts, animated, if you please, by the same spirit and feeling and motive that animates all of us, for that matter, when we have an opportunity to take advantage of a situation. When the Government needed ships to send across to bring our citizens from abroad it was reported at least that they were asking exorbitant rates for such service—such exorbitant rates that our Government officials contemplated an investigation, or absolutely refused to consider their offers. If there are so many of these ships that are available for the foreign service, if there are so many of these ships that are idle, how does it happen that some of these transportation companies apparently try to hold up the Government in its hour of distress, and the hour of distress of its citizens, and charge exorbitant rates for carrying those people home, so that it becomes almost necessary for the Government, in order to furnish relief, to take some of its naval vessels and use them for this purpose?

Mr. President, if in the coastwise trade we have conditions where there are not sufficient ships to do the business, those that are in it will charge all the traffic will bear, and they will make their charges high, and the consumers and producers of the country will have to pay them or have their products rot in the fields for lack of transportation. This should be avoided if possible, and this it is hoped to avoid by the provisions of this bill to which I am referring.

As I said, if there are so many of these ships in the local coastwise trade now that are idle, there would be no inducement for these vessels admitted to American registry to come into that trade. Again, if there are so many ships in the domestic trade that are suitable and fitted to carry on the over-seas trade, with the conditions that are arising and that are likely to arise from the war situation, many of these ships will go into the foreign trade. They will leave the domestic trade for the higher profits in the foreign trade. Now, if there are no ships to take their places, we will have a dearth of ships in the domestic trade, and that means increased rates and increased charges for the consumers and producers of the country. So I see nothing that is likely to happen from the passage of this act except a sort of balancing of the situation, and that possibly conditions will remain, with the passage of this legislation, just about where they are now, with a possible increase in the ships for such trade and routes as need them, and this will be a benefit and not an injury to anyone.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Certainly.

Mr. NORRIS. I wish to ask the Senator his idea of the international aspect of this particular legislation, if he thinks it has any, as to whether or not the easy means by which this bill will permit foreign ships to carry the American flag will not perhaps, under existing conditions in Europe, get us into some difficulty?

Mr. JONES. Mr. President, I am very much afraid that is true, and therefore I voted for the amendments of the Senator

from Iowa [Mr. CUMMINS] and the Senator from Delaware [Mr. SAULSBURY]. I regret very much indeed that the conferees have left out that provision. The administration, however, seems to think that will not lead us into trouble. I very much fear that it will. I have anticipated that from the beginning, and it is one thing that makes me hesitate about voting for this measure.

Mr. NORRIS. The Senator, in his answer, brings up another idea. He says the administration thinks this will not make any difference. Is it true that the conferees in the first instance had agreed to bring in a conference report that contained in substance the amendment of the Senator from Iowa?

Mr. JONES. I do not know. The Senator from Idaho [Mr. BORAH] was on the conference committee, and can answer that question better than I can.

Mr. NORRIS. The Senator referred to the administration.

Mr. JONES. I probably should hardly have said that. I based that statement entirely upon the fact that the Senator from New York [Mr. O'GORMAN], in charge of the bill, and most of the majority Members were very much opposed to that proposition, and not only opposed it here on the floor but now sustain the conference report in its omission. I have heard nothing at all myself from the administration, nor from anyone who purports to speak for it. From the fact that the great majority, I think, on the other side of the Chamber, including the Senator from New York, who has charge of the bill and has had charge of it from the time it came into the Senate, think that amendment would be a great injury, I simply assume that the Senator from New York is speaking with the approval, at least, of the administration, and not in opposition to its wishes. I have not any doubt but that if the administration had expressed, even very slightly, its desire that some amendment of this kind should go in here, it would have gone in.

Mr. NORRIS. I wanted to suggest that matter to the Senator from Washington, not in a critical sense, for I have a good deal of sympathy with the object of this legislation, but because I have my doubts as to the wisdom of doing it now. Now, why is it that it is limited to two years? What is the object of that limitation?

Mr. JONES. That limitation was put on in the conference committee. It was not even discussed in the Senate. The Senator will notice that that limitation applies only to the coastwise trade. It does not apply to the admission of vessels registered under this act to the foreign trade. The time is unlimited with reference to that. I suppose the conferees put in this limitation out of a desire to protect the coastwise trade to a certain extent from the encroachments of foreign-built ships. I assume that to be the case. The Senator from Idaho probably can give us more direct information with reference to the idea of the conference committee in making that limitation, and I yield to him to make any suggestion he may desire to make.

Mr. BORAH. Mr. President, referring first to the amendment of the Senator from Iowa [Mr. CUMMINS], I do not know that the administration had anything to do with the conference. If so, I was not cognizant of the fact myself. The conferees upon the part of the Senate presented thoroughly the matter of the amendment of the Senator from Iowa, and the discussion continued during practically the whole afternoon upon that subject, but there was no agreement. There was only a tentative understanding with reference to the bill. When we came back next morning the amendment was finally dropped out. So far as any outside suggestion was concerned, I know nothing about it, if it was made.

Speaking of the amendment, if I had felt that there was any real effect to flow from the amendment I should have felt more earnestly that it was a mistake to leave it out; but the amendment simply provided that at the time of the registration a majority of the stock should be held by American citizens. The Senator can see that there was no way to protect that situation 15 minutes after the registration took place; there was no way to make it a permanent proposition. The stock is owned by individuals, and flits here and there. Anybody can transfer it to anyone he wishes, and there is no way to control the situation.

I think the principle involved in the amendment was probably a commendable one and a wise one; but I could not see how there could be any possible result flowing from it unless we could find some way by which to make it effectual.

Mr. NORRIS. If the Senator from Washington will continue to yield, I should like to say, in reference to what the Senator from Idaho has said, that while my fears may be groundless—I have not been here during this debate, and have not heard it all, and am not very well posted on the subject—I feel that there is great danger in passing a law of this kind now, while the great nations of Europe are at war with each other, when

we have made no attempt to pass it prior to the war; and we make it so easy to transfer the flag of a foreign nation from the ship and put an American flag in its place that we are going a good way to expect the civilized nations of the world not to look at least with a great deal of suspicion on that kind of a proceeding. Assuming that we pass the bill in good faith, the shipowners desiring to take advantage of it, as I understand the bill, have not much more to do than to haul down the other flag and run up the American flag, and then go out on the ocean and demand protection from the United States Government. It seems to me that would naturally create a suspicion that the transfer was not a bona fide one.

Mr. BORAH. Suppose the other nations of the earth should dislike it? Upon what ground would they lodge any objection to the United States amending its laws in this respect? Upon what theory would they make any suggestion with reference to it? I know that in this country the opinion prevails in some quarters that we ought not to legislate until we consult certain foreign interests, but I did not think that belonged to the Senator from Nebraska.

Mr. NORRIS. No; it does not; and the Senator can not charge that up to me.

Mr. BORAH. No; I do not think that belongs to the Senator; but upon what ground would they rest their objection? Upon what theory would they say that the United States should not change her laws to take care of her commercial interests in a crisis? I know of no ground upon which they could lodge an objection.

Mr. NORRIS. It seems to me it might be lodged upon the fact that there has been no attempt to legislate during time of peace for the last 100 years, and that just as soon as the war begins we pass a law such as this, which says to the owner of the foreign-built ship, "You can pull down your flag, if you want to, and put up ours, and we will defend you." It seems to me that ought not to be expected.

Mr. POINDEXTER. Mr. President—

Mr. JONES. Mr. President, I do not want to be discourteous to the Senator from Nebraska—and he knows I would not be—but the Senator from Iowa [Mr. CUMMINS] is going to discuss that particular proposition very soon, and just in the interest of time I would suggest that he can then discuss it with the Senator from Iowa, and it will save a little time, because I did not intend to go very much into that feature of the matter myself.

Mr. POINDEXTER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. JONES. Yes; certainly.

Mr. POINDEXTER. In connection with the point made by the Senator from Nebraska, no such difficulty as that would arise with reference to foreign-built ships engaged in the coastwise trade of the United States. No foreign country could claim that the United States did not have such a peculiar interest in its coastwise trade as justified protection of it under its own flag wherever the ship may have been built or however quickly the transfer may have been made.

Mr. NORRIS. But the question was asked by me originally with particular reference to the over-sea trade. I do not know that there would be any objection even to that. I am simply trying to bring out the facts and get information.

Mr. JONES. I would not shut out the Senator if I had not suggested that the Senator from Iowa is going to take up that matter fully.

Mr. NORRIS. I will say to the Senator that that is perfectly satisfactory to me.

Mr. JONES. Yes; I thought it would be.

Mr. NORRIS. I have no disposition to crowd my question now.

Mr. JONES. There was one other question that the Senator from Nebraska inquired about—I do not know whether he expected an answer to it or not—and that was this limitation of two years for admission into the coastwise trade. I did not know but that the Senator from Idaho might give the Senator from Nebraska some information as to why that limitation was made.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Certainly.

Mr. BORAH. I supposed that was somewhat of a concession to the present established principle against throwing open the matter entirely. The argument was also made that it would be calculated to hasten these ships to assist at the time of the existence of this emergency. So far as I was concerned, I was

willing that the door should be opened wide, and that it should be made impossible to reclose it until the whole system of the American policy—the protective policy—was taken up and restored to all industries.

Mr. JONES. Mr. President, a word or two more, and I am through.

As I have said, this conference report does not suit me in very many respects. In fact, as I expressed my views on the bill before, I do not see any particular good to come out of the bill. I was in favor of the amendment offered by the Senator from Iowa [Mr. CUMMINS]. I voted for it. I was satisfied that it was a wise amendment, and I think it would have been the part of wisdom to have had it in this conference report now. I am not fully satisfied that we should not send it back to conference in the hope of having inserted some provision along this line.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES. Certainly.

Mr. McCUMBER. Before the Senator reaches another phase of the question, I should like a little information from him, and I ask him simply because I believe he is well qualified to answer.

The Senator has indicated an inconsistency between the claim of some of the shipowners, to the effect that there were over 40 vessels upon the coast now lying idle that might be used, and the telegrams received from the coast cities stating that lumber and other forms of merchandise could not be shipped away because of the lack of vessels to carry them. Now, we all know that the Panama Canal is to be opened in a very short time. May it not be a fact, and is it not a fact, that these ships are waiting and this merchandise is waiting until the Panama Canal may be opened, so as to get the advantage of the shorter haul; and may not that explain entirely the difference, or apparent difference, between the statements of the shipowners and the owners of lumber and other merchandise?

Mr. JONES. Mr. President, I do not think there is any real inconsistency between those statements. I am satisfied that practically all the ships that it is stated are now idle are ships that are not suitable and not fitted for the Panama Canal trade and that they would not come into it at all. They are probably ships that have been running on the local routes, short routes. They are not suited for over-seas trade, and probably a great many of them are not at all suited for the lumber trade.

Of course lumber is not the only product we have; that is used because it is the predominant product out there; but, as I suggested the other day, 40,000,000 bushels of wheat are produced in the State of Washington and twenty-five or thirty million in Oregon. Then, too, we have a great deal of fruit, and our people hope to ship a great deal of that.

When the Senator from New Jersey [Mr. MARTINE] the other day read a list that had been handed to him of ships on the coast that were idle I recognized some of the ships, having seen and ridden on some of them. They are not at all suitable for foreign trade; they are not suitable for the lumber trade, even in the domestic trade; and if they are idle, it is simply because they have not the local domestic coastwise trade to employ them. I am satisfied that the reports as to the ships that are idle, 40 or 50, or whatever the number may be, relate largely, if not entirely, to ships that are not suitable for use in the Panama Canal trade.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from North Dakota?

Mr. JONES. Certainly.

Mr. McCUMBER. Right on that point, will the Senator explain wherein is the difference between the trade, say, between Seattle and San Francisco and the like character of trade between San Francisco and New Orleans passing through the canal that would make the ships fitted for trade between the former points and not between the latter points?

Mr. JONES. I suppose the length of the voyage would make some difference. There is some difference between the length of the voyages. The distance from Seattle to San Francisco is only six or seven hundred miles, while the other distance would run into the thousands of miles.

Mr. STONE and Mr. CHAMBERLAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. STONE. The Senator was taking his seat when I rose.

Mr. JONES. I was not intending to take my seat, because I had one or two other points I wished to make.

Mr. CHAMBERLAIN. I desire to make one suggestion to the Senator from Washington in answer to a point that has just been touched upon.

Mr. JONES. I yield to the Senator.

Mr. CHAMBERLAIN. There are some vessels that are competent to do business between Seattle and San Francisco that would not be profitable as vessels to go through the Panama Canal. Testimony was given before the Inter-oceanic Canals Committee to the effect that vessels of less than a certain capacity could not profitably use the Panama Canal at all.

Mr. JONES. Yes; I think it was 5,000 tons, was it not?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. Yes; I think so. Of course there are some of those ships running between Seattle and San Francisco that could be used probably in going through the Panama Canal, but they will not be so used, because they have an established business now and they would not desire to give it up, and it would be a misfortune for them to give it up.

Mr. LANE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oregon?

Mr. JONES. Certainly.

Mr. LANE. I want to say, for the information of the Senator from North Dakota [Mr. McCUMBER], that some of those vessels which carry lumber between the ports where the lumber is produced and other ports down the coast where the lumber is consumed are auxiliary gasoline schooners and other light-draft vessels. They have not a great deal of bottom on them, and they use gasoline for motor power, and would not do for the other trade. There are quite a number of those vessels that carry a great deal of lumber back and forth.

Mr. McCUMBER. But are those included in the 40 vessels that were mentioned in the letter read here by the Senator from New Jersey?

Mr. LANE. I do not know whether they are or not; but some of those vessels are engaged in that traffic, and it might be that they are among that number.

Mr. BURTON. Mr. President, in a statement made to me on the subject they were not included; and the steam schooners, the overwhelming majority of which are small, as stated by the Senator from Oregon, were separately stated. There is a certain number of those, perhaps 20, over 2,000 tons.

Mr. LANE. Yes.

Mr. PERKINS. A larger number than that.

Mr. BURTON. The Senator from California informs me that there is a larger number than that over 2,000 tons.

Mr. JONES. I want to say, Mr. President, that, of course, I am not a shipping man, and I am not acquainted with the character of these vessels. When they read the name off here I can not always tell what kind of a vessel it is, or anything of the sort; but I want to say this:

Our business men are just about as active, energetic, and capable business men as you can find anywhere in the country. They are just as anxious as anybody to get their products to market, and they will take every step that is necessary to get them to market. If there are facilities for getting those products to market, they are going to get hold of them, and yet telegrams come here from the chambers of commerce of Bellingham and Everett and Seattle and Tacoma, made up of the business men of those sections; not shipping men altogether, but business men of those sections. They have sent telegrams here, which I have put in the Record, in which they state that their business is paralyzed because of a lack of ships, and that they have not the ships that can be used to carry their products around through the Panama Canal. I am satisfied, Mr. President, that those gentlemen know what they are talking about, and that they know what they are telegraphing about, and that they know the situation, and they would not make these representations if they did not know them to be true.

The conference committee has accepted what we passed in the Senate—I do not know but that it was part of the bill as it came from the House—giving to the President very much discretion with reference to the suspension of the coastwise laws. I think that provision was in the bill as it passed the House, so it was not a matter for the conferees to change. We have, however, given a great deal of discretion to the President, and while I feel satisfied that he will exercise that discretion wisely, I would have much preferred to have Congress lay down the rules and the regulations and make specific provision with reference to these matters. I am willing to accept this, however, and to leave it to the discretion of the President, feeling that he will act wisely.

I am satisfied that the President will not admit to the coastwise trade these foreign-built ships manned by foreign officers. I do not believe he is required to do it under this bill. I appreciate the point made by the Senator from Iowa, and I wish this had been made a little bit freer from doubt; but I am satisfied that under the language of section 2, which gives to

the President the power to suspend by order these certain laws, so far and for such time as he may deem wise, the President, when application is made for registry of a foreign-built ship, can place in the permit granting that registry the condition that if the vessel should go into the coastwise trade these suspensions should not apply, and I am sure he will do it. It would be unfair, unjust, and monstrous to permit foreign-built ships under an American registry to do business with foreign crews and officers in competition with American-built ships manned by American officers and crews and paid American wages. If I thought for a moment that he would do this or if I thought he did not have the power to prevent it I would not think of voting for this report. In other words, any vessel to go into the coastwise trade should be surveyed; it should be examined; it should be inspected to see that it was a proper vessel for the coastwise trade; it should be manned by the officers and the crews required by the coastwise laws; and if it should not be willing to accept a registry under those conditions it should not be granted such registry. Of course after they get the registry, the provision of the law is that then they are entitled to engage in the coastwise trade; but, construing the two provisions together, I am satisfied that the President would follow the construction that would at least protect our coastwise trade according to the evident purpose of Congress that, while we will admit these foreign-built ships to the coastwise trade, we want those ships to be such as will conform to our survey and inspection laws, and that they must compete with vessels in the coastwise trade upon the same basis in the matter of operation as the vessels now engaged in the coastwise trade. That is the meaning and intention of this act. The only advantage the owner of such a vessel will have will be in the cost of the vessel; in its operation he will be and should be on exactly the same basis as other ships.

Mr. President, if I support this conference report I will do so because I feel satisfied that it will bring to the people of the Pacific coast relief that they need in this emergency, if any relief can be secured. The responsibility for these other provisions I think will have to rest upon the administration and those who have brought in this legislation. I regret that the conferees broadened this particular provision, although I do not fear that it is going to bring any harm, and it may bring some good. It may bring some good to the producers and to the consumers of our country; and if it does that, then it will have served a good purpose. It is limited in time to two years, so that after two years from now, unless Congress otherwise provides, no foreign-built ships can get into the coastwise trade; and there is also the point that these ships are not admitted to the coastwise trade on the same basis that foreign ships get into the foreign trade.

Any ship flying any flag can engage in our foreign trade now—can trade between New York and any foreign port. They do not have to have any particular kind of crews, any particular kind of accommodations, or anything of that sort, except according to the law of the flag under which they sail. Those ships can not come into the coastwise trade. This bill does not admit them into the coastwise trade. They must first get American registry, and in order to get American registry they must get at least under some form of American ownership, and then they come in under American control; so that there is an additional safeguard.

In other words, this is not an unlimited, unqualified opening up of the coastwise trade to foreign-built ships, even for two years. Every foreign-built ship, in order to get into the coastwise trade even under this act, must get American registry, and must show a certain class, at least, of American ownership. Of course I understand that it may be a corporation in which all the stock is owned by foreign people, but nevertheless that is an American corporation and an American ownership which we recognize now.

Mr. LIPPITT. I was just going to ask the Senator from Washington if that limitation was not confined merely to having a dummy president and a few dummy directors?

Mr. JONES. That may be true. The Senator and I are not at issue on that proposition. I was for the amendment that would prevent that condition of things.

Mr. LIPPITT. I was in hopes the Senator was as much opposed to it as I am.

Mr. JONES. I think I am, but I am not going to argue that, because the Senator from Rhode Island can do it much more ably than I can. However, I think I can safely say in advance that I shall agree with practically everything the Senator from Iowa may say with reference to that matter, because we had a discussion here for two or three days. I know the arguments made for and against it, and I am heartily in favor of the proposition, and if I thought by rejecting this conference report

we could get some provision of that kind in the bill I might vote to reject it, because, as I have intimated, I am not greatly enamored with this measure.

Mr. WILLIAMS. Mr. President, while we are talking, the present condition of things is continuing. There was hope of relief by the operation of the Weeks bill. I hold in my hand a clipping from one of the Washington papers which shows how little may be hoped for from that quarter. I shall take the liberty of reading it to the Senate:

The House Naval Affairs Committee yesterday—

It was day before yesterday now; I took this from the paper of yesterday—

The House Naval Affairs Committee yesterday, after hearing a statement from Rear Admiral Blue to the effect that a line of freight vessels made up of some of the older naval cruisers and scout ships for the South American trade might prove an expensive experiment, decided to refer the Weeks bill to a subcommittee of five members in order to obtain complete information on the subject, together with recommendations as to what should be done. The Weeks bill passed the Senate August 3.

It tells what it provided for; I will not read that.

Among the Democrats of the House Naval Committee there was a general desire to make a favorable report on the bill yesterday. Republicans of the committee were opposed to such action.

Admiral Blue, who is Chief of the Bureau of Navigation of the Navy Department, informed the committee that four of the vessels which it was proposed to utilize in this new kind of work could carry only 150 tons of freight and 50 tons of mail—

And 50 tons of mail is no very immense mail—

these being the cruisers *Minneapolis*, *Columbia*, *Salem*, and *Chester*. The freight, he said, even then would have to be in small-package lots in order to make it fit in the magazines of the ships.

"Would it not be cheaper for the United States to buy some of the foreign vessels which are tied up on account of the war than to use expensive naval vessels for freight or mail service?" asked Representative ROBERTS, Republican, of Massachusetts.

The Senate will remember that my proposition was to buy these ships and within four months, at any rate after the close of the war, to sell them. I introduced a bill with that end in view.

In this connection I want to say that I got the information from one of the Senators from New York to-day, who got it from a reliable quarter, that some of these German ships lying in port now could be bought for 50 cents on the dollar. If so, when the Government got ready to sell them the Government would not lose any money—on the contrary, would make some—but even if the Government lost money it would not be a drop in the bucket as compared with the great good that would be done.

This was Admiral Blue's answer to that question:

It would be much cheaper—

Was the response of Admiral Blue, and then the admiral goes on in the interview to tell why. I will ask that it be inserted in the Record.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

"It would be much cheaper" was the response of Admiral Blue. The admiral agreed also that a vessel constructed for the express purpose of carrying freight would be able to transport a much larger cargo than a cruiser with no room for anything but machinery, coal, and guns.

Mr. WILLIAMS. Now, I want to dwell upon another phase of the subject. As I said a moment ago, while we are talking the present condition of hardship for our farmers, manufacturers, and mine operators is continuing. Whether this bill will do any great amount of good or not is doubtful; but that it will do some good I do not doubt. But while this condition of things is going on, Mr. President, a combination, tacit or expressed, of wholesale or retail robbers, or both, is holding a clutch upon the throat of the American people, for which they ought in some way to be punished by law, if there be any legal way of punishing them.

Of course it was naturally to be expected in a great European war that there should be some rise in the price of foodstuffs, not because the world is going to consume any less than was consumed last year, but because the supply will be less, and to that extent there would have been a legitimate economic reason for a rise in the price of bread and meat. But the rise that has taken place here lately is not a mere discounting of the future effect of the operation of that natural economic law. As far as the rise that took place would naturally take place under that law goes, it would be thoroughly justified. The farmers ought to have the advantage of an economic condition when it faces them as much as any other producer is entitled to his advantage accruing from a natural economic condition. But this condition to-day is one of extortion by combination. Here are our warehouses and elevators full, produce threatening to spoil on our hands; no transportation for it. Then somebody here in

some way raises prices, so that an already high price becomes an extortionate price.

In this connection—and that was the main object in my rising—I want to read an editorial from the New York World, nearly every word of which I indorse, strong as it is; it is headed "The fight for food":

Various dealers in food, big and little, have declared war upon the American people. The aggression of which they are guilty is as ruthless in some of its aspects as that shown by nations in arms against their enemies. No autocrat ever proceeded with bolder assumption. No conqueror ever devastated a prostrate state with a lighter heart.

At a moment when the people in Congress are making extraordinary efforts to provide an outlet across the seas for the surplus food of this country the owners of and gamblers in that food are kiting prices. If the Government should do nothing to relieve the situation as to exports, food is so abundant that it would soon be rotting in our warehouses and much of it would never come to market at all.

This is the state of affairs which, with war in Europe, has led the gluttons of the granaries and groceries to anticipate famine, to monopolize plenty, and with no excuse better than a speculative theory as to the future to inflict upon their own countrymen burdens that would not be endured if imposed by Government. Never before was there such widely organized eagerness for gain. It is a rapacity which can not wait. In the belief and hope that there is soon to be starvation in Europe, where all is war, it introduces privation in America, where all is peace. It is continental. It is also local.

Nothing of this kind comes about by accident. The men who are cornering food in the United States operate with the precision of a well-trained army. They act in concert. They have a plan of campaign. They have their captains of tens and their captains of thousands. From highest to lowest the one controlling motive is greed. They do not advantage by circumstances. They take advantage of circumstances. Scarcity is not making them rich. It is forestalling and coercion and extortion that they are depending upon to make them rich.

In the presence of a conspiracy so monstrous every prosecuting officer in the country, Federal, State, county, and city, is bound no less by decent manhood than by his oath of office to assail this piracy. The assertion that we see merely the law of supply and demand in operation is false—

Of course it is false; it is self-evidently false; plainly, palpably, obviously false.

Our supplies of most food products greatly exceed the demand and are likely to do so for months to come. It is no true and natural law, but an untrue and unnatural law, that is now in force. Privation has been manufactured to order, not as a result of the demands of the day—

I will add, nor as the result of the scarcity of supply nor as a result of a rational forecasting of future events.

The article goes on—

but in response to the desperate theory that before another harvest enriches the earth hunger will rule in some portions of Europe. Avarice, its eyes upon foreigners, has already undertaken to strangle Americans.

There are statutory laws that will reach this crime. There is common law in many States that is even more drastic. A thousand prosecutions in as many important counties would show in a week whether food is deficient or merely monopolized, whether rising prices are due to circumstance or to combination, and whether the starvation that threatens is justified by necessity or exists only in the evil imagination and the vicious practices of a colossal commercial scoundrelism.

District Attorney Whitman, of New York, should not be the last of these prosecuting officers to act with vigor and intelligence.

Mr. LANE. If the Senator will allow me to confirm what he has stated, I wish to say that I am just in receipt of a telegram from the Marshfield (Oreg.) Chamber of Commerce, which reads:

MARSHFIELD, OREG., August 13, 1914.

Hon. HARRY LANE,

United States Senate, Washington, D. C.:

The tremendous advance here in the price of sugar, flour, meats, and other staple foodstuffs causes our people to demand the Government to take immediate action to suppress illegal practice of forcing foodstuffs to unwarranted prices.

MARSHFIELD CHAMBER OF COMMERCE.

I am glad to see that the President has taken cognizance of the matter.

Mr. WILLIAMS. Mr. President, it is not the farmer who is getting the benefit of this. It is some combination of retailers or wholesalers, or both. Produce right now is being held upon the farm because elevators are full and can not take it, and farmers right now are driving cattle and carrying corn and wheat to market and then hauling it unsold back home.

I thought I would get up and make these few remarks in connection with the time we are taking upon this conference report, because the sooner we get it through the sooner what little good it is going to do can be done. It is one of those things concerning which it may be said—

If it were done, when 'tis done, 'twere well
It were done quickly.

I do it all the more earnestly and sympathetically because the President of the United States, just returned from the saddest trip upon which a man can go, took up immediately and first of all upon his return to Washington this very question. Before he could discharge his mind from the grief which was overwhelming it, his heart, already sick, went out in sympathy for the American consumer who is suffering deprivation, not because farmers are getting higher prices, but because combinations of middlemen are doing it; and I wanted

some voice in the legislative branch of the Government to be added to that of the executive as an incitement upon judicial officers everywhere to execute the old common law against forestalling, if nothing else, and the Sherman antitrust law against combination and conspiracy in restraining trade.

There is no more injurious way of restraining trade in the world than by forestalling provisions and foodstuffs and making it yet more difficult for the poor to live. As this article says, using as a pretense the fact that possibly there may be starvation in Europe, they produce deprivation in America. Suppose there was starvation in Europe, the starvation would not raise the price of foodstuffs. It is the man who is not starved but who lives and can eat who raises the price of foodstuffs.

So far as the natural working of the law is concerned, everybody expected some rise in the price of foodstuffs because of the increased cost and insurance in getting to the consumer, just as everybody knew there must be some fall in the price of cotton; but when men come in at a great crisis in the existence of the human family all over the world and begin to diabolically exploit their own people because other peoples elsewhere are in a most calamitous condition, adding suffering at home to diabolism abroad, it was time that the President of the United States had spoken and that everybody else who has at heart the welfare and the happiness of the poor among the American people should speak.

Mr. President, I hope that this conference report will be accepted. As I said when the bill was up before us, I regretted that the Senator from Washington had placed upon it the amendment which he placed there; but, as I said then, if we were to go into a change of the navigation laws of the United States for the benefit of one particular section, I wanted the amendment to run through the bill and to apply to all, so that all might have the benefit of the change if any had it.

Mr. BURTON. Mr. President, the strongest objection to the adoption of this conference report is the manner in which the proposition for the admission of foreign ships to our domestic trade comes before the Senate. That objection and the precedent which would be created should defeat it.

Not many days ago an emergency bill was brought before us here to provide for a certain object. The outbreak of war had rendered useless the ordinary agencies of the carrying trade. It was necessary for us to provide some other way to ship our exports abroad. It was an object of the greatest importance to the whole American people. It was not sectional, nor did it pertain to any one occupation. No single business interest promoted the passage of that measure. It was necessary to provide means by which our grain, our cotton, our copper, our oil, our coal, and all our varied manufactures should reach their ordinary markets.

During the last year for which we have statistics our exports amounted to \$2,400,000,000, and the means of communication having been cut off the current of trade was so broken that that colossal traffic was not only interfered with but absolutely crushed.

Its restoration should awaken the attention of the whole country, from the Atlantic to the Pacific, from the Lakes to the Gulf. If that object could be obtained, no one in this Chamber would oppose it. But what happened? Whenever any measure, Mr. President, is brought before the Senate intended to benefit the whole people, up rises some section of the United States or some local interest and asks that it be the special beneficiary of that legislation. Riders are placed upon bills, perhaps, because otherwise they can not pass.

I should be perfectly willing to consider as a separate proposition the amendment of the Senator from Washington giving relief to the lumber producers of Washington. They are very strong protectionists when it comes to lumber, but they are in favor of wide-open competition when it comes to the coastwise trade. I do not say this so much in censure of them, for every man seeks his own interest; but Congress must weigh the reasons for and against such action.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. Certainly.

Mr. JONES. I suggest to the Senator that this emergency proposition placed upon this bill was not placed there solely in the interest of the lumbering people. That, of course, is probably the leading industry out in our State, but I stated several times that there are other great interests affected in the same way. I do not think the Senator has any warrant in suggesting that the lumber people are protectionists in their business and for free trade in others, because the lumber people have not urged for free ships in the coastwise trade. Instead they have

asked that ships may be available through the Panama Canal—what is practically ocean-going trade.

Furthermore, they are not entirely responsible for the position I take on the subject on this floor. As I stated a while ago, I have in mind the interest of the producers and consumers of our section. But even if the suggestion that the Senator makes is true, there is not very much reason why the lumber people should support protection somewhere else, because they do not have any protection and have not had for quite a good while.

Mr. BURTON. Mr. President, I do not see that it improves their position if they are not in favor of opening the coastwise trade to foreign ships as a general proposition; that is, they are not in favor of throwing open the coastwise trade between Maine and Texas, but they are in favor of having their part of it made free. That is sectional rather than national.

Mr. JONES. Oh, Mr. President—

Mr. BURTON. If this is a good system it is a good system as a national policy and should not be adopted merely for a portion of the country. Indeed, it seems to me, the Constitution of the United States, in its prohibition of preference for any particular ports, makes very doubtful the validity of the proposition of the Senator from Washington.

Mr. JONES. Will the Senator permit me?

Mr. BURTON. Certainly.

Mr. JONES. This provision applies to every line of industry. It does not apply to lumber alone, but to everything that must be shipped. In the next place, it applies to every port both on the Atlantic and the Pacific. There is no preference at all of one port over another. Every port on the Atlantic can ship to every other port on the Atlantic, and every port on the Atlantic can ship to every port on the Pacific on equal terms. There is absolute equality.

Then, furthermore, the lumber trade is not confined to shipments through the Panama Canal. So the suggestion that they are simply asking that their trade shall be given the benefits of foreign-built ships is hardly correct, because they do not ask that. In the local coastwise traffic they are willing to ship their lumber between those points in domestic ships.

Furthermore, I wish to suggest to the Senator what I have said several times upon the floor, that we would not be asking for our coast even this concession were it not for the exigency that is brought upon us by the very emergency that affects the Atlantic coast. If we had the coastwise American-built ships we would not ask you to let foreign-built ships come in, even though they might be operated cheaper. But we are confronted with the very situation on the Pacific coast that confronts us on the Atlantic coast, except in a greater degree. Our foreign-built ships that have been carrying our foreign trade under foreign flags are driven to port. They are tied up. We have not any way to send our products to foreign ports, and we have no ships to bring them over to the Atlantic coast. So we have lost not only our trade but we can not get to our home market.

Now, there is the situation. It is an emergency brought about to a certain extent by the repeal of the Panama toll act, but intensified and very greatly intensified by the war which has brought the condition on the Atlantic coast. That is the reason why this legislation is urged.

Mr. BURTON. I did not expect to yield for so long an interruption by any means. I supposed it was merely for a question or a suggestion.

Mr. JONES. I beg the Senator's pardon. I do not often interrupt a Senator in that way.

Mr. BURTON. Mr. President, I do not see how this can at all affect the ships engaged in the coastwise trade or boats available for carrying traffic on the Pacific and Atlantic coasts. Certainly they are not in any way prevented from participating in the same lines of activity in which they have taken part for the years past.

I want to call attention to this point. It is at least a disputed question. On the one side it is said that there is a scarcity of ships. I believe one telegram to that effect was read by the Senator from Washington. I wish to call his attention to the fact that no trade out there, except the lumber trade, maintained that there was a scarcity of ships. But, on the other hand, we have the statement of various ship-owners that on both the Atlantic coast and the Pacific coast there are a large number of boats which are out of commission, that are in harbors, and that are fitted for almost any trade, either coastwise trade or foreign trade. There exists a vital difference of opinion, and yet we are asked to legislate within a comparatively few hours on the theory that one of those contentions is true, namely, that there is a scarcity of boats. Indeed, I do not know but that the suggestion of the Senator from North Dakota clarifies this situation and is at the same

time convincing, that those who say there is a scarcity and those who say there is a superabundance of boats are both correct in their opinions. In view of the early opening of the Panama Canal for traffic between the two oceans, it is probable that a very large amount of shipping has been kept waiting until this shorter route afforded by the canal is open to the world. But we are asked thus hastily to legislate in regard to the Pacific and Atlantic trade. We are asked to attach the proposition of the Senator from Washington to an act which seems to be absolutely essential for the whole people and for the benefit of the whole country.

I most cordially favored the passage of the bill as it came from the House, and hoped that it would be passed promptly, but I can not favor this report in the form in which it comes before us.

Now, following this, what comes next? The House bill, amended by the Senate, goes to a conference committee, and then a proposition authorizing the acquisition for two years of foreign ships to engage in the coastwise trade is placed upon the bill. Not a word about such a proposition was in the House bill; there was not a word about it in the Senate bill. So far as I recall, no amendment was introduced in the House or the Senate having that end in view; and if there was any argument in behalf of making the domestic or coastwise trade free to foreign ships, it was answered or controverted here upon the floor of the Senate.

There was no proposition in the measure sent to us from the House, except the original one providing for foreign trade and foreign trade exclusively. There was no statement here that the provision for the general coastwise trade was insufficient. Then the bill goes from the House and the Senate to a conference committee of 10 members, and they take the liberty of putting in a provision which neither the House nor the Senate passed or even suggested.

Mr. President, is that the way in which we should conduct the public business? Is that the manner in which we ought to legislate—turning over our functions and responsibilities to a conference committee of 10 and saying to them, "We have merely erected the base of the pyramid; you may put in the superstructure anything you please. We have enacted legislation pertaining to two simple subjects, easily understood, about which there has been full discussion, concerning which the country has been informed, but you may join to it other subjects, related or unrelated, about which the country is not informed and of which the country has no anticipation."

Indeed, everything should point to the rejection of any such legislation, because, here in the Senate, in the year 1912, the proposition was made in the form of an amendment that foreign ships might be admitted to the coastwise trade. It was overwhelmingly defeated. A similar amendment, as I am informed, was introduced in the other House, and it was also voted down. The established business of the country and new enterprises as well depend not altogether upon the present but upon the anticipation of the future; and when Congress, both in the other House and in the Senate, negated so decisively the proposition of opening the coastwise trade to foreign ships investors were justified in making their contracts to build boats upon that hypothesis, even though those boats might not be delivered for two or three years.

Was that proposition voted down because an election was impending? I want to say to Senators that this also is on the eve of an election, and that if this conference report is adopted it will, by its unfairness, by its irregularity as a legislative or parliamentary procedure, afford an issue that will be referred to in every State of the Union and perhaps from every stump in the land. We can not afford to thus legislate in this hasty manner and with so little notice to the country. Those who have built ships relying on the custom of a hundred years, relying upon a uniform policy which has been supported as partly patriotic and partly economic, were notified yesterday morning for the first time that such a proposition had been agreed upon by the conference committee. This provision in its amended form first appearing in the conference report and first reported to the country yesterday morning—possibly there may have been rumors of it the night before—is to be jammed through to-day or to-morrow. Can we justify such a course as that? Is that the way we are going to legislate in the future?

In addition to the men who are engaged in this business enterprise, let me tell you an acute interest is felt by the seamen who are employed upon the ships in the coastwise trade, perhaps the least attractive line of employment in the United States. There is hardly any class more poorly paid; but we do have a certain number of them who are engaged on our ships, whatever the wages may be, who in case of war would be an auxiliary for the Navy, and who, in some degree, can

maintain the position of seamen in the United States; yet their employment is to be thrown in competition with the foreign ship and the foreign sailor under the report brought in here in this manner, and not seriously thought of by the Members of the Senate 48 hours ago; not considered by the Committee of Commerce, that has jurisdiction of the subject in the Senate; not considered by the Committee on Merchant Marine and Fisheries, that has jurisdiction of it in the other House. The door is closed; no one is heard; and it is proposed to force through this measure, however disastrous it may be, without warning and without hearing.

Mr. President, I have never been especially identified with the interest of the coastwise trade. In the lake region where I dwell there is a development of American shipping which altogether surpasses in its growth, its health, and its prosperity that on the Atlantic coast. We are not afraid of foreign shipowners. In the first place, we have a number of highly equipped and well-advanced shipyards; in the next place, there are models peculiarly adapted to the lake trade with which those shipbuilders are familiar, and no newcomer in the field of ship construction could well compete with them. Again, we have the barrier of a canal only 14 feet in depth and a little over 250 feet in width, which restricts bringing ships into Lake Erie and the other lakes above it from any other portion of this country or from abroad.

Mr. POINDEXTER. What is the length of the locks of the canal?

Mr. BURTON. About 265 or 270 feet. They count on a boat of the length of 250 feet as the maximum which can go through. I should say that it is proposed to increase the locks on a very large scale, but that has not yet been accomplished.

On the Lakes we can defy the world in our shipbuilding, and I think we could get along very well despite this proposed legislation. So I have no local interest in this matter, but I look at it from the standpoint of the whole country, from the standpoint of orderly, fair legislative procedure, from the standpoint of doing justice to every interest in this country. We should not proclaim to the country that we have a new method here of legislating, not by Congress, which has the power under the Constitution to legislate, but by a conference committee, which may add to any bill passed by the House and Senate a proposition which will wipe out very large business interests, which will threaten the employment and the wages of tens of thousands of men, and which will reverse almost overnight the policy of a century.

Mr. CUMMINS. Mr. President, it will be impossible for me to vote for this conference report, for two reasons. I shall state them as briefly and as clearly as possible.

I feel in one respect just as the Senator from Idaho [Mr. BORAH] feels. The great volume of the products of the West and of the Middle West has been put upon the free list, and our producers are compelled to compete upon even terms with their rivals throughout the world. I have believed, therefore, that it was fair to them to have free trade in ships; and, as I have more than once said and as I have more than once voted, I am in favor of allowing Americans to buy ships abroad and to bring them into the service of the country without the payment of any duty in order to equalize as far as possible the burdens imposed by tariff duties and by transportation rates. If this report were limited to the privilege of buying ships abroad and putting them into the service of our own people, whether in the foreign trade or in the domestic trade, I would be inclined to favor it; but, Mr. President, there is in the report an injustice which, as I view it, can not be defended by any man, and no such defense has been as yet suggested in this debate.

What is done here? An American buys a ship abroad; he is permitted to register it for the foreign trade, and the President suspends for that ship practically all our navigation laws; he suspends in behalf of that ship all the regulations which make the operation of a domestic vessel more expensive than the operation of a foreign vessel; and by virtue of the registry so acquired that ship, with a foreign captain, with foreign mate, with all her responsible officers foreign and all her crew foreign, without having been burdened by the test of our survey and our inspection, enters our coastwise trade side by side with a ship built in the United States that is compelled to have American officers, an American crew, and a ship that will withstand and fulfill the test of the American rules of safety and sanitation. What chance has a home-built ship in competition with such a foreign-built ship?

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The Senator from Iowa states the proposition as if it were obligatory upon the President of the United States to suspend these laws. Of course the Senator means that the President may do so in case the emergency appeals to him?

Mr. CUMMINS. Precisely. I am arguing the case upon the basis that something is to be accomplished. I am arguing the case upon the theory that the President of the United States will find it necessary to suspend these laws in order to induce American registry, and whenever that contingency happens we have just the picture that I endeavored to paint—a foreign ship, with foreign crew and foreign officers, with foreign barbarities and cruelties practiced upon the men, and an American ship running side by side with her, surrounded by all our regulations dictated by humanity, governed by American officers, who owe allegiance to the American flag. I want you to tell me whether that is a spectacle upon which the American people will look with any gratification. I want you to tell me whether it can possibly be defended upon the basis of justice or equality among men.

I am perfectly willing to have the ship built abroad. That is one of the consequences of the free trade which our friends on the other side of the Chamber have established in the United States; but I should like to know, after this administration gets the ship into American waters, without the payment of any duty or without the imposition of any burden, how it will defend the proposition that the ship shall not be subject to the same law that controls a ship built in the United States. This is not free trade in ships; it is paying a premium to foreign ships; it is a tax put upon American shipping in favor of foreign shipping; and it is beyond my comprehension to understand the spirit of a people that will permit or tolerate that invasion upon the commonest dictates of patriotism and justice. Why, may I ask the Senators on the other side—but few of them are here; I do not know why. I assume that their minds are already made up upon this question, or, if their minds are not made up, that the question is being considered elsewhere—

Mr. LIPPITT. Mr. President, if the Senator will permit me, I suggest that it would be a very good time to suggest the absence of a quorum, which I do.

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. No, Mr. President; if I am asked to yield for that purpose, I will not yield.

Mr. LIPPITT. Mr. President, I should like to rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa has the floor. It is in his control to yield or not.

Mr. LIPPITT. Can I not have the floor for the purpose of making a point of order?

The VICE PRESIDENT. The Chair rules that the suggestion of the absence of a quorum is not a point of order.

Mr. LIPPITT. I was going to make the point of order that the Senate can not transact business in the absence of a quorum, and that when the lack of a quorum is suggested it is essential that it shall be discovered whether there is or is not a quorum present.

The VICE PRESIDENT. The Chair rules that, under the plain rules of the Senate, the Senator from Iowa having the floor, it is the duty of a Senator desiring to interrupt the Senator from Iowa to address the Chair. The Senator from Rhode Island did address the Chair, and the Chair then inquired of the Senator from Iowa whether he consented to the interruption. He did not consent. The mere fact that the Senator from Rhode Island has risen gives him no right.

Mr. CUMMINS. Mr. President, I have no quarrel with the ruling of the Chair. The reason why I did not yield was because I understand it is the present interpretation of the rules of the Senate that if I yield for that purpose I have yielded the floor, and I do not desire to do so, and I am not particularly anxious that a roll call shall be resorted to in order to supply me with a larger audience.

I have given one reason why it will be impossible for me to vote for the conference report. I desire simply to repeat the conclusion. This is not a proposition for free ships; with that proposition I am in sympathy; this is a proposition for granting to foreign-built ships privileges which are denied to American-built ships, and, so far as I am concerned, it is impossible for me at this time, and I hope it will be impossible for me at any time, to support a measure so contrary to our fundamental conceptions of justice and so contrary to our high instincts of patriotism.

I pass to the second point. Even if this proposal were in the same form as it was when it left the Senate, I could not and would not vote for the conference report, because I believe that when the conferees eliminated from the bill the provision which

required the majority of the stock of the American corporation which purchased a foreign ship to be owned and held by American citizens they simply extended an invitation to the whole world to commit a fraud upon the laws of neutrality and to inflict an indignity upon the belligerent powers of Europe.

My friend from Idaho says that even if the provision which the Senate after a long debate incorporated in the bill had remained, it would have been of little value. I know, Mr. President, that skillful and unscrupulous people can evade a law. I do not think, however, that this particular provision would have been so easy of evasion as the Senator from Idaho believes it would have been. If, however, the amendment which I offered, and which, after serious and careful consideration, was adopted by the Senate, was inadequate in that respect, the Senate conferees ought to have amended it so as to make it adequate and sufficient, instead of eliminating it entirely from the bill. The conferees in so doing would have taken vastly less liberty with the bill than they did take in rewriting the whole measure, so far as the provision affecting our coastwise trade is concerned. I submit, Mr. President, that a provision which requires that a majority of the stock of an American corporation purchasing a ship in the future shall be owned and held by American citizens could not be evaded so easily as to take away the substance of the protection with which I sought to surround the transaction.

What have we done? We have a law which is utterly unjustifiable in itself. It was adopted, as I remember, in 1912; it was adopted, however, without any reference to the exigency for which we are now legislating; it was adopted at a time when there was no temptation and no inducement for a foreign ship to seek American registry, because our laws were such that a ship under American registry could not be profitably operated in the trade between this and other nations. The law to which I refer provided that not only a citizen, not only a person, could buy a foreign-built ship, but that a corporation organized under the laws of the United States or of any State could buy a foreign-built ship. Those of us who are familiar with the operation of corporations—and that has been a subject of general inquiry within the last few years—understand perfectly well the uses and purposes to which a corporation can be put.

Mr. LIPPITT. Mr. President, I wonder if the Senator would yield to me for just one moment, that I might make a parliamentary inquiry?

Mr. CUMMINS. I yield for a parliamentary inquiry.

Mr. LIPPITT. I should like to call the attention of the Chair to Rule V, on page 7, section 2, which says:

If at any time—

I emphasize the words "at any time"—

during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

Mr. President, it seems to me that that language is perfectly definite and very strong, and that when I rose a minute ago to suggest the absence of a quorum I was doing so in strict accordance with that rule and with the ordinary precedents of this body. I should like to suggest to the Vice President that it seems to me I have the right at this time to suggest the absence of a quorum.

The VICE PRESIDENT. Just one moment.

Mr. GRONNA. Mr. President, I simply wish to suggest to the Senator from Rhode Island that the Senator from Iowa has refused to yield to the Senator from Rhode Island for that purpose.

Mr. LIPPITT. I will suggest to the Senator that the Senator from Iowa has just yielded to me for the purpose of making a parliamentary inquiry, which I am now making.

The VICE PRESIDENT. These rules must be construed together, or they do not amount to anything. Rule XIX provides:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

The Senator from Iowa having the floor, the Senator from Rhode Island had no right to interrupt the Senator from Iowa without his consent; and while Rule V does provide that at any time during the daily sessions of the Senate a question may be raised as to the presence of a quorum, the ruling of the Chair is that when a Senator is addressing the Senate the interruption must be with his consent.

Mr. LIPPITT. But I had his consent, Mr. President.

The VICE PRESIDENT. The Chair inquired of the Senator from Iowa whether he had his consent, and the Senator from Iowa said, "No; not for that purpose."

Mr. LIPPITT. When I rose I asked if I might interrupt the Senator, and he allowed me to do so. At all events, even if

that had not been the case, Mr. President, where language is so unqualified as Rule V about such a question as that relates to—

Mr. CUMMINS. What I meant was that I did not know that the Senator from Rhode Island rose for that purpose, and if I had known that his purpose was to demand the presence of a quorum I would not have yielded, because I intend to pursue in the future the policy of not yielding for that object, although I did not qualify it when he rose and interrupted me.

Mr. LIPPITT. With that acknowledgment on the part of the Senator that he did yield the floor to me, and with the statement on the part of the Chair that in order to suggest the absence of a quorum it was merely necessary to get the consent of the Senator having the floor for permission to interrupt him, which I did do, and I then suggested the absence of a quorum, it seems to me that I was entirely in order and in accordance with the rules of the Senate.

The VICE PRESIDENT. The Chair will ask the Reporter to turn back to the record and read what occurred when the Senator from Rhode Island first rose.

Mr. LIPPITT. I will say that I should not have risen to suggest such a thing, except that the Senator himself had called attention to the lack of interest in the debate on the other side of the Chamber; and it did seem to me that on a matter which I consider of such great importance the propriety of Members being present was very great, to say nothing of the interest that always attaches to whatever the Senator from Iowa says.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arkansas will state it.

Mr. CLARKE of Arkansas. What has become of the ruling made by the Chair some days since that debate was not intervening business?

The VICE PRESIDENT. Nothing has become of it.

Mr. GALLINGER. I will ask the Senator from Arkansas where he finds the rule which provides that business shall intervene. I have looked for it in vain.

Mr. CLARKE of Arkansas. That was the ruling the Chair made several days since.

Mr. LIPPITT. I believe this question really is not subject to debate, and I should like to have the question decided upon the statement of the Chair.

The VICE PRESIDENT. The Chair has sent for the Reporter who took the notes. The Chair desires the Reporter to read, starting with what the Senator from Rhode Island said the first time he rose, and the subsequent record.

The Reporter read as follows:

Mr. LIPPITT. Mr. President, if the Senator will permit me, I suggest that it would be a very good time to suggest the absence of a quorum, which I do.

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. No, Mr. President; if I am asked to yield for that purpose, I will not yield.

Mr. LIPPITT. Mr. President, I should like to rise to a parliamentary inquiry.

The VICE PRESIDENT. That is as far as the Chair cares to have the record read.

Mr. LIPPITT. Mr. President, I will ask to have the record read when I rose a minute ago.

The Reporter read as follows:

Mr. LIPPITT. Mr. President, I wonder if the Senator would yield to me for just one moment that I might make a parliamentary inquiry?

Mr. CUMMINS. I yield for a parliamentary inquiry.

Mr. LIPPITT. I should like to call the attention of the Chair to Rule V, on page 7, section 2, which says:

"If at any time—"

I emphasize the words "at any time"—

"during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate."

Mr. LIPPITT. Mr. President, I will ask the Senator from Iowa if he will yield to me?

Mr. BORAH. Mr. President, the Senator from Rhode Island raised a parliamentary inquiry. I understand now he desires the Senator from Iowa to yield, I presume for the purpose of suggesting the absence of a quorum. That, I suggest, is not exactly the right way to get possession of the floor. He asked for the mere right to make a parliamentary inquiry, and that matter has not been disposed of yet.

Mr. LIPPITT. When I first rose I asked, in the way in which it is usually done in the Senate, whether the Senator would permit me. He did not object, and I took his silence for consent. I presume that the Chair may be able to assume a technicality there, that I should have waited and heard him say "I do." What I did say was—

The VICE PRESIDENT. The Chair assumes only the technicality that, as the record shows, the Senator from Rhode Island took the floor without addressing the Chair. That is what the Chair assumes, and the record shows it.

Mr. STONE. Mr. President, I should like to have the Chair informed of a fact which occurred when the Vice President was not in the chair. I do not know that I quite understand the question before the Chair; but if I do, it is that some Senator has made, or attempted to make, the point of no quorum, and the point was made that no business had intervened since the last roll call. I wish the Chair to know that while the Senator from New Jersey [Mr. MARTINE] was in the chair, by consent of the Senate a bill or more was introduced.

The VICE PRESIDENT. That is not the point at all. If the Senator from Rhode Island had obtained permission of the Senator from Iowa to interrupt him and suggest the absence of a quorum, there is not a question of doubt that he would have been entitled to have a roll call to disclose a quorum, and the Chair would have so ordered it.

Mr. LIPPITT. That is a little different, Mr. President, if the Chair will allow me to interrupt him, from the ruling that was originally made. I think the Chair is correct, on the basis of that statement.

The VICE PRESIDENT. Oh, no; the Senator from Rhode Island did not understand the Chair, because the Chair did not so rule. The Senator from Rhode Island did not address the Chair. The record has just been read. He rose and said: "This would be a good time, I think, to have a roll call," or something like that; whereupon the Chair, instead of suggesting to the Senator from Rhode Island that he was out of order, desiring to be courteous to the Senator, as the Chair hopes to be courteous to everybody, asked the Senator from Iowa whether he would yield to the Senator from Rhode Island, and the Senator from Iowa refused to yield.

Mr. GALLINGER. Mr. President, just a word. I know this matter is not debatable, but in the early days of my service here it was quite customary for a Senator to make the point of no quorum regardless of everything else. The Chair is entirely right, however, in interpreting those two rules together—that a Senator can not be taken off the floor without his consent. If he can not, of course the point of no quorum can not be made. I think the Chair has ruled with entire correctness upon this matter.

The VICE PRESIDENT. The Chair has had no desire to be discourteous to the Senator from Rhode Island or to any other Senator.

Mr. GALLINGER. There is just one other point upon which I will say just a word. A fiction has grown up here that business has to intervene. A search, however diligent, will not disclose any rule of this body that provides that, but perhaps it is well enough. If we could all agree to it, I think it might be well, but that is not a rule of the body.

Mr. LIPPITT. Mr. President, if the Senator from Iowa will allow me to say just one thing, I have discovered that in the course of the discussion of this question a quorum apparently has arrived in the Senate, so that, as far as I am concerned, the necessity of calling one has disappeared.

Mr. CUMMINS. Mr. President, I hope the Senator from Rhode Island will not think that I was in the least discourteous to him; but it has become distressing to some of us, certainly to me, to have repeated calls of the roll simply for the purpose of getting Senators into the Chamber, staying long enough only to answer to their names, and then immediately seeking some more desirable and comfortable place.

In view of the interruption, I shall find it necessary to restate the proposition I was attempting to argue. I am addressing myself now to the second objection I made to the conference report, namely, that it contains no safeguard whatever respecting the ownership of the stock of an American corporation which may hereafter buy a foreign-built ship.

Mr. LEWIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield.

Mr. LEWIS. I desire to take the liberty of calling the able Senator's attention to the exact point where he left off, as I was very much interested. I understood the Senator was about to address himself to the question of how to avoid the evasion which the able Senator from Idaho called attention to as one of the invariable results of just such legislation.

Mr. CUMMINS. No, Mr. President; I think the Senator from Illinois has rather exaggerated the statement made by the Senator from Idaho. The latter statement was, in my view, some-

what unduly emphasized, but now the Senator from Illinois has multiplied it many times. The Senator from Idaho said that the provision in the bill, which had been adopted after great consideration in the Senate, could be evaded, and now the Senator from Illinois understands the Senator from Idaho to have said that the provision would be invariably evaded. The Senator from Idaho did not so say. I shall address myself to that question presently; but I had already said concerning it that if the conference committee thought the words in which the amendment was couched were inadequate it could have strengthened those words and rendered the evasion still more difficult than it would have been had the amendment remained as I originally offered it. Instead of that, understanding the danger, I think, the conference committee simply eliminates the entire provision and leaves the name of the United States open to the charge of bad faith which will be made against it from every quarter of the globe.

When I was interrupted I was discussing the way in which this unguarded provision came into the law. I think it came in in 1912. Before that time a foreign-built ship could not be registered, either for the foreign trade or for the domestic trade, under the laws of the United States. That change was made in 1912, in the Panama Canal act, which permitted an American citizen or an American corporation to become the owner of a foreign-built ship not more than 5 years old, and to enter it for foreign trade. There was no danger then, as I was about to say when interrupted; that is, the danger was not seen. We all knew that American registry was a burden upon a ship, that it involved certain expenses and involved the compliance with rules and regulations which made an American registry a very undesirable thing; and no one thought at that time of the dangers that might be lurking in the phrase "American corporation," without any guard as to the ownership of the stock of the corporation. Moreover, at that time the world was at peace, and every country was at liberty to carry its own flag over its own ships without any peril at all. The subject was not discussed. I doubt if it ever entered the mind of any Member of the Senate or any Member of Congress.

But what happens now? All Europe is at war. The great nations of the world have placed their interdiction upon commerce, and there are certain countries of the world whose ships are driven from the sea. That is to say, circumstances make it practically impossible that the ships of certain nations shall carry on their ordinary business. In 1909 a convention was held in London with regard to the rules which ought to govern neutral nations, and we took part in that convention, and there issued from it a code with regard to the purchase of ships by the subjects of a neutral power during time of war; that is to say, the circumstances under which a ship could be changed from the flag of a belligerent to the flag of a neutral power.

I shall not enter into the details of this convention. They were expressive in very large measure of international law as it was understood before that time. There was no great innovation or change made in the established law of the world, but one of the things which was then declared, and which, I think, has always been understood to be the international law, was that if the registry of the ship was changed in order to escape the consequences of war it would be disregarded by belligerents. There were certain periods fixed in some of the rules of the convention, but that is the substance of it all.

Let us now go forward a step and see what will happen if this bill passes as it is. German ships have no home on the Atlantic Ocean. England is mistress of that sea, and the German flag disappears from the accustomed routes of transportation and travel. But there are German ships, and many of them, in American ports. They are incapable of being used in commerce. If, under this law, an American corporation purchases one of those ships, she will be entitled to an American registry even though the actual ownership of the vessel remains exactly as it was before. Suppose a corporation were organized under the liberal laws of New Jersey or any other Commonwealth. The ship is now owned by a foreign corporation. All the foreign corporation has to do is to take the stock of the American corporation and make the transfer and the transaction is complete. The vessel is absolutely entitled, without any discretion whatsoever on the part of American officers, to an American registry. The vessel then departs upon her journey laden with either the goods of this country or the goods of some other country. England seizes the ship, and England, under the convention which I have just referred to, would have a right to seize the ship. She would be taken to the nearest port and would fall immediately under the jurisdiction of the prize courts of Great Britain, and she would be condemned as a prize of war.

Now, that does not necessarily involve the United States in war. It would not be necessary for us to quarrel with England because England chose to exert her sovereignty in that way, in a way in which she would have a right to exert it. If, however, that thing happened over and over again, as it would happen over and over again; if ship after ship bearing the American flag were borne into the ports of the belligerents of Europe, there to be condemned by the prize courts of the several countries, little by little there would arise a feeling of hostility, there would arise an irritation that would destroy the amity which now exists between the United States and these warring powers, and I predict that with such events we would be inevitably drawn into the controversies of Europe.

It will be difficult enough for the United States to stand straight and free and neutral as it is. There will be causes enough for disturbance. If this war continues six months, it will require the wisest minds and the most patriotic hearts to conduct the affairs of the United States so as to escape the entanglements which lead to war. Why should we, for the purpose of allowing the shadow of an American corporation to lift the flag of the United States over a ship that really belongs to citizens of other countries, incur this peril, which must be obvious to every reflective mind?

Let us look at it from another standpoint. The countries of Europe have not protested against the change we made in the law in 1912, for they had no reason to believe that under it there could be committed an act really hostile and unfriendly to themselves. I repeat that in 1912, when we made it possible for an American corporation to buy a foreign ship without guarding that act with the provision that the real interest of the corporation should be American, as well as the name of the corporation, we felt no danger. There was no danger. Now, however, we are facing an emergency, it is said. What is the emergency? The emergency is that we have products at our ports and no vessels to carry them abroad. I think I may say in passing that the emergency has already well-nigh gone. Every ship in the world except the ships of Germany and Austria is at liberty now to ply its accustomed business. There may be some obstacles in the way of ships that must penetrate the North Sea and the channels into the Baltic Sea, but that phase of it is negligible.

My proposition is still broadly and substantially true, that the apprehension which the shipowners of other nations naturally felt when the war first burst upon the world has well-nigh passed away, and these ships are already beginning to do what they did before. Nevertheless I am not opposed to furnishing other ships to do this business. I am very much in favor of furnishing American ships to do the business if we can, but I want them to be American ships. I do not want to see a foreign captain and foreign mates, foreign watch officers and a foreign crew sailing a foreign ship under the American flag, and whenever we permit that atrocity we are sure to incur the gravest danger.

Now, one thought more. England would have a right to complain of us if this law were to pass. France would have a right to complain of us, and every other country in Europe, with the possible exception of Germany and Austria, would have a right to complain of our act. Why, Mr. President? I will endeavor to answer. We have an unguarded law which permits nominal transfers of title without real changes of ownership. In the effort of England to block the ports of Germany, in the effort of France to destroy the power of Austria, we come and relieve, so far as we can, the very ships which England and France are attempting to render useless, and enable them to go out upon the sea under the American flag and with all the protection that such a registry and such a flag can confer upon them. I do not know how other Senators may feel about it, but as for me, if I were a subject of Great Britain I would look upon it as an unfriendly act. If we were at war with another nation, and a neutral power would do just as we are proposing to do here, I could not view it otherwise than as a hostile attempt to interfere with the rights of nations.

I would not say that, if it were not true, that we know that a ship at this time, or so long as this war lasts, transferred to an American corporation with the substantial interests of the corporation held abroad would be condemned in any prize court as a violator of the laws of neutrality. We are trying to open the way to do that very thing by this legislation.

If under our legislation as it existed before the war these things should happen, there would be no reason to complain of the Government of the United States, because we would not have taken our action in view of war, but we are taking this step in the face of war; we are taking it to avoid the consequence of war; and it is impossible for me to reach any other conclusion than that either of the belligerent powers whose

commerce may be affected, whose strength in the war may be affected by what is done under this statute, would have grave cause for complaint; not against the individual citizen of the United States; not against the corporation that might become the owner of the ship—that complaint could be worked out in the constituted courts—but it would have a just cause for complaint against the Government of the United States, which, in so far as this proceeding is concerned, is represented in the two Houses of Congress and by the President of the United States.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield.

Mr. POINDEXTER. There is a great deal of force in what the Senator is saying, but of course it would not apply to the full extent except in a case where a vessel transferred to American registry under this law was plying between two foreign ports, for the reason that the United States itself has an interest, and a very profound interest, in the acquirement of shipping facilities for its own commerce, whether domestic or whether foreign.

I wanted to ask the Senator from Iowa if, due to the conditions arising from the war and other conditions which are accentuated and aggravated perhaps by the war, we find ourselves with a great accumulation of surplus products and no shipping, it is not manifestly to our interest to provide means of shipments, and in good faith for that purpose to allow foreign ships to be registered under our laws, even though it should exempt them from the liability of a belligerent ship as between the warring powers, whether any belligerent would have cause to complain of our action in that respect?

Mr. CUMMINS. I think so.

Mr. POINDEXTER. Would we not be justified by our own interest, and, being so justified, what just complaint would a belligerent power make against us?

Mr. CUMMINS. We have assumed the position of a neutral power. There is no profit which can arise to the United States that will justify the violation of the law of neutrality. We had the privilege of becoming one of the belligerent powers. We could declare war if we wanted to and remove ourselves from the attitude of a neutral power; but so long as we remain a neutral we must obey the law of neutrality, no matter how much it might profit the people of this country to disobey that law. I think that the Senator from Washington will admit my proposition.

Now, if what we are about to do is to open the door for a fraud upon the laws of neutrality, and a fraud which once exposed will at once condemn the transaction by the law of neutrality, I am sure that there is no citizen of the United States, however desirous he may be to provide ships for our foreign commerce, who will approve it. That is all I ask. I simply ask that these transfers shall be real transfers. As it is now, they need not be real transfers. It matters not if you put a placard upon every wall of the country that the transfer to the American corporation was made simply because the ship could not safely sail under her former registry, yet it would be valid under our law, and the ship would be entitled to the registry. Of course, if captured, the whole affair would be at once exploded, and the ship would stand in exactly the same position before the courts as though it had been captured flying its former flag instead of the flag of this country. But we are adopting this law to enable that to be done.

The Senator from New York [Mr. O'GORMAN] this morning made a declaration. I do not know whether he gave the author of the statement or not. I imagine that he did, but I am not certain enough about it to mention the name. I ask his attention. Was I right in saying that the Senator from New York gave the name of his informant this morning, when he said it had been stated to him that unless the corporations whose stock is owned abroad could buy ships and have their flags changed there would be no relief under this bill?

Mr. O'GORMAN. No; what I did say was in substance that if this restrictive requirement were retained in the bill it would seriously discourage and hamper the transfer of ships to the American flag that may be purchased by American corporations.

Mr. CUMMINS. May I ask if the Senator from New York stated his informant upon that point, or did he make it from his own knowledge? That is what I wish to know.

Mr. O'GORMAN. That has been my own personal view for some days. I gave expression to that view several times during the past week. I know it is shared by others. I believe it is shared by the administration.

Mr. CUMMINS. As I remember it, the Senator from New York gave that opinion as reflecting the view of the Secretary of the Treasury.

Mr. O'GORMAN. I understand that also to be his view.

Mr. CUMMINS. I do not know what opportunities the Secretary of the Treasury has had to reach a conclusion upon that subject, but I can not imagine that he has had any better opportunity than the Senator from New York or any other Senator in this body.

It means simply this: That we can not get these ships and register them under this bill if American capital is required in the transaction. That is all it means.

It means, and every man here knows that it means, and we all know it is true, that no American, no sane man, will part with his money in the purchase of a foreign ship and put it into an American registry under the indefinite suspension provided for in this bill; for the very moment that the suspension is removed, the very moment it becomes necessary for the ship to obey the laws and regulations of the United States, that moment the operation of the ship becomes impossible in competition with foreign ships of foreign register.

Mr. O'GORMAN. There are those who believe that while the foreign-built ships now acquired by American corporations will at once devote their activities to the trans-Atlantic trade, when the attractions of that trade cease they will then take advantage of the permanent permission granted to them by this bill to engage in the coastwise trade.

Mr. CUMMINS. No; Mr. President, that is reasoning in a complete circle. My proposition is that in good faith there is not one dollar of American capital to be found for investment in the purchase of foreign-built ships at this time, and no evidence can be secured or submitted to the Senate of any such willingness. The Senator from New York, with his customary candor, for which I compliment him, because he does not desire this bill to be adopted upon a false understanding, declares that if the provision in the bill which requires American ownership is retained the bill will be inoperative; that there will be no ships bought and registered under it. That is the truth, and we might as well admit it. We might as well publish to the world, as the world already knows, that we are preparing the way here for an American corporation organized under the laws of some one of the States, and probably under the laws of New Jersey, for that is the most liberal State with regard to such things, with its stock held abroad, to take a transfer that is colorable, formal, that means nothing whatsoever except the work of a clerk in preparing incorporation papers and filing a copy in the office.

And that is the sort of a transaction we are inviting, are preparing for, are telling the world that we are about to authorize. What does the Senator think of the opinion that will be held of the good faith of this country among the nations that are now at war?

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The Senator from Iowa says it would only require the services of a clerk to make this transfer. If the Senator's amendment were adopted it would only require that clerk to work about 30 minutes longer.

Mr. CUMMINS. No, Mr. President; I do not agree with that. I was about to come to that. If the provision had remained in the bill it would have required the officers of the United States to ascertain that a majority of the stock of that corporation was owned and held by American citizens. That inquiry, if carried on efficiently, and I assume it would be, could only be satisfied by the discovery of a real investment, a bona fide investment, on the part of American citizens in the stock of the corporation. It would not be satisfied if there accompanied the transaction an agreement or understanding that after the registry had been secured the stock should be transferred to some foreign corporation or to foreign citizens. I said, when that question was asked me, that I had no doubt that the law could possibly be evaded. We have not a law upon our statute books but can be evaded. The most important of our statutes are violated without discovery every month in the year, but we do not, therefore, repeal all those statutes. We do not repeal the antitrust law because it is capable of evasion; we do not repeal the interstate-commerce law because there are ways in which its mandates can be avoided; and, as it seems to me, we plant ourselves upon unsafe and untenable ground when we eliminate the provision for the reason that it can be evaded.

The Senator from Idaho [Mr. BORAH], however, apparently does not put his willingness to strike out the amendment on the same ground chosen by the Senator from New York [Mr. O'GORMAN]. The Senator from New York takes the ground that it would not be evaded, and that its enforcement would prevent

the transfer of ships nominally to an American corporation. I put the two positions one against the other, and I am sure that from that conflict I may justly draw the conclusion that the provision would be helpful.

Mr. BORAH. Mr. President, the position of the Senator from New York and that of the Senator from Idaho are not at all in conflict. The Senator from New York apprehends that in the mere matter of transfer it would be an embarrassment. I simply say that it would only be a temporary affair; if they desired to evade the law it would require but a step further. While they might hesitate, owing to the fact that the transaction would be subject to examination in a certain way, in case the amendment prevailed it would simply change the process.

The Senator from Iowa has said that we should have enlarged this amendment so as to make it effective. That was one of the things that we found it impossible to do. We did not know any way by which we could compel the individual to hold stock if he did not want to hold it; we did not know any method by which a man could be compelled to take stock and not transfer it to some one else if the owner wanted to sell it.

Mr. CUMMINS. There is not any way.

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. Just a moment. The Senator from Idaho says it will only take one step more, but that step, Mr. President, is one that would involve fraud—

Mr. BORAH. Not at all.

Mr. CUMMINS. And bad morals, whereas the bill as it now is invites a nominal transfer through a paper corporation without the commission of any fraud whatsoever.

Mr. BORAH. Mr. President, it would not necessarily involve fraud or immoral conduct at all. It might be a perfectly legitimate transaction.

Mr. CUMMINS. It would not be legitimate if it were understood beforehand that the stock was to be retransferred.

Mr. BORAH. That is true; but the amendment of the Senator from Iowa did not provide that it shall continue to be held by an American citizen; it simply provided that at the particular time of the registry it should be so owned and held. A man may transfer it 20 minutes afterwards and do so upon perfectly legal and perfectly moral grounds.

Mr. CUMMINS. Mr. President, how easy it would have been for the Senate conferees to have insisted that there should be put into the amendment the provision that if it appeared that the majority of the stock at any time belonged to citizens of foreign countries the registry should be canceled.

Mr. BORAH. If the Senator from Iowa had made any such suggestion as that, I think the debate would have taken an entirely different turn, because it would have been almost impossible of execution. The machinery to carry such a provision into effect would have been almost impossible to erect.

Mr. CUMMINS. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I know it is not becoming in a layman to undertake to engage in a controversy in reference to matters of purely legal construction, but I was yesterday honored by receiving a letter from Mr. R. G. Bickford, of Newport News, Va., a very famous maritime lawyer, in which he has cited—and I will pass the paper to the Senator from Iowa in a moment for his examination—hundreds of instances where this question has been more or less discussed. Mr. Bickford, to start with, quotes from Glenn's International Law, section 191, in which it is said:

The nature of such a transfer, when made in time of war, is such that a belligerent can with good reason make a most searching examination of all the circumstances connected therewith. The temptation and opportunities for committing fraud in such transfers being very great, they are not considered as valid unless the title and interest of the vendor has passed absolutely. In case there is any covenant, condition, or understanding of any kind that the vendor retains an interest in the vessel or profits, or any control over it or a right of restitution at some future period, or a power of revocation, the transfer would be invalidated.

Again, he gives certain other citations with this note—this, I think, is from a decision of Sir William Scott—

The court has often had occasion to observe that where a ship, asserted to have been transferred, is continued under the former agency and in the former habits of trade, not all the swearing in the world will convince it that it is a genuine transaction.

Mr. BORAH. Mr. President, that citation does not present anything in favor of this particular amendment. There would be the same right to make an investigation, and the fraud could be declared upon the same principle, whether the transaction took place under the amendment or under the provision as reported by the conferees.

Mr. GALLINGER. Further quoting from Case No. 7,107, the Island case, 13 Federal cases, page 171—I do not know how

directly this applies to the question, and I am presenting these suggestions with a great deal of modesty—

The rule of decision in some countries has been that, as to a vessel, no change of ownership during hostilities can be regarded in a prize court. In the United States, as in England, the strictness of this rule is not observed. But no change of property is recognized where the disposition and control of a vessel continue in the former agent of her former hostile proprietors.

Then, quoting from the case of the *Georgia*, 7 Wallace, page 43—

The question in this case can not arise under the French code, as, according to that law, sales of even merchant vessels to a neutral, *flagrante bello*, are forbidden. And it is understood that the same rule prevails in Russia. Their law in this respect differs from the established English and American adjudications on this subject.

I will hand the letter to the Senator from Iowa. There are hundreds of citations.

Mr. CUMMINS. I will be very glad to read the paper, although the law on this subject is very well understood. As I have said, it was elucidated and somewhat clearly stated, so far as it affects this question, in the neutrality convention of 1909; but the Senator from Idaho, in answering the Senator from New Hampshire, I think is a little in error in this, that no matter what precaution we might take, the right of seizure and of search upon the part of the belligerent power would remain the same. Theoretically that is true; but if we do the thing that will convince the belligerent powers that we are endeavoring to be fair with them, then the American flag will mean something. It will be some protection, and the belligerents will not seize and search an American vessel unless they have some reason to believe that she is violating the laws of neutrality; but if we pass this bill and notify the belligerents of Europe that we are fostering, encouraging, and inviting fraudulent and nominal transfers of a ship from one ownership to another, and if the world comes to believe that one of our corporations that has no real interest whatsoever in the vessel is yet the owner of the title under an act of this sort, then our flag will mean nothing. Every ship that bears the American flag will be looked upon with suspicion by all nations. Instead of our flag carrying with it some evidence, at least *prima facie* evidence, that we have not violated the laws of neutrality, it will, on the other hand, be *prima facie* evidence that the ship is sailing under a false color; that the flag is flying above a falsehood instead of above the truth, above dishonesty instead of honesty; and this belief throughout the world will lead to the search of every merchant ship over which the Stars and Stripes appear, and it will give rise to a severity of search and an insolence of search that otherwise would not be known.

Mr. MARTIN of Virginia. Mr. President—

Mr. CUMMINS. Just a moment—I do not suggest that because I fear collision with a foreign power; I suggest it because I do not want the United States to give just offense, for whatever we do, whether our act is just or unjust, if it is assailed by a foreign power, we must defend it, and defend it with all our men and with all our treasure; and because the patriotism of every American would impel him to defend it right or wrong, we ought to provide some safeguard to prevent an incident for which we might be justly criticized. I yield to the Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, I agree with the Senator from Iowa that in purchasing ships from belligerents the utmost care will be necessary; but I want to make the inquiry if offense could be given or suspicion be aroused except as to Germany? The other nations of Europe would not be likely, I think, to take any offense at dealings of that sort.

Mr. CUMMINS. On the contrary, Mr. President, while I am not skilled in diplomacy or in tracing the relations of the various nations to each other, it is my judgment that Great Britain would have more cause for complaint against us for the passage of this act than any other nation, unless it might be France.

Mr. BORAH. Mr. President—

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I can not conceive of the situation being so serious as the Senator from Iowa seems to think. The great conflict which is unfortunately now raging in Europe has brought upon us a condition which is unfavorable to our commerce, and an emergency exists in this country with reference to taking care of our commerce. Anything that we may do which can in any sense bring us in a legitimate way the means to take care of our commerce and take care of our interests can in no sense be offensive to the neutrality laws and can not possibly be an offense to any other nation in the world. We are not seeking to interfere with their affairs at all, but we are seeking to gather to ourselves the means and the methods of taking care of our own commerce; and if we, as a Congress, deem this the wisest and the best way to take care of

our commerce and provide for the existing emergency, what nation on the face of the earth can object to it?

Mr. CUMMINS. Does the Senator from Idaho think that we ought to violate the law of nations, which includes the laws of neutrality, because we might thereby for the moment help ourselves?

Mr. BORAH. No; but under this bill we will not violate any law of neutrality. The law of neutrality does not go to that extent.

Mr. CUMMINS. Let me see if it does not. Suppose that we were to pass a law that a German ship sailing into one of the ports of the United States should have the right upon application to take an American registry and use the American flag and such a transaction should occur and the ship should then sail out and be captured by Great Britain, is that ship violating the laws of neutrality?

Mr. BORAH. Yes; I think so; but we are making here a general provision for the registry of ships, and there is no presumption and no indication in the terms of the law that, so far as our act is concerned, it involves anything except perfectly valid transaction. Back of that stands the law of nations, to the effect that if indeed a transaction is fraudulent, whether or not we make any provision at all in regard to it, the ship may be seized; and there is no better safeguard and no surer guide to direct shipowners in the line of an honest transaction than the universal law of nations, that if the transaction is fraudulent the ship will be seized. That is an infinitely stronger safeguard than to require the mere transfer of a majority of stock which may be transferred back in a moment.

Mr. CUMMINS. I do not agree with the last statement, because I do not think the stock can be transferred back in a moment. Theoretically that would be possible, but practically it would never happen or rarely happen.

I return now to the former suggestion of the Senator, which is really pertinent and probably sound. I think the administration of international law through prize courts would be more drastic than any law that we could now enact. The amendment which I have offered does not go nearly to the length which the law of neutrality might require. I am simply endeavoring to put some provision in the law which will indicate to the world that we are acting in good faith; that we are not trying, through our Congress and through our administration, to enable either our citizens or foreign citizens to violate the obligation of neutrality.

I agree that we must depend, in the main, upon the enforcement of the law in the courts; but I am reluctant to see the great Government of the United States bid God-speed to the men who may engage in a conspiracy to violate the laws of neutrality and plunge the American Nation into the horrors of war; for, if I understand this bill aright, I put upon it just that construction. I think it is a letter of marque to those who have found it impossible to navigate their ships under the laws which have formerly controlled them to take refuge under the law of the United States and to lift the American flag, in the hope that our name, our prestige, and the reputation that we hold for honor and fair dealing will protect them in their unlawful enterprises.

Mr. BORAH. Mr. President, I wish to say just a word, and only a word, on this matter, in reply to the Senator's suggestion.

The first suggestion which the Senator makes is with reference to the lines from 17 to 23, as I understand, upon page 4, and that is in regard to the proposition contained in these words:

Whenever, in the judgment of the President of the United States, the needs of foreign commerce may require, he is also hereby authorized to suspend by order, so far and for such length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this act.

That I understand the Senator to regard as unfair to American ships, and so forth.

Mr. CUMMINS. I couple with that the first paragraph of section 2, which is of the same character.

Mr. BORAH (reading):

Whenever the President of the United States shall find that the number of available persons qualified under now existing laws and regulations of the United States to fill the respective positions of watch officers on vessels admitted to registry by this act is insufficient, he is authorized to suspend by order, so far and for such time as he may find to be necessary, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Mr. President, it will be observed, in the first place, that this says that "whenever, in the judgment of the President of the United States, the needs of foreign commerce may require, he

is also hereby authorized to suspend by order, so far and for such length of time as he may deem desirable," these laws as to measurements, and so forth. Of course, this is an emergency. As a permanent proposition, I would be just as much opposed to that rule as the Senator; but if we are going to have any benefits from this law some condition must be therein provided for by which we can take advantage of the emergencies which may arise under it. Now, the President is limited in his action to the demands of foreign commerce, and when he deems it absolutely necessary and desirable he may do so to such extent as he deems proper and for the length of time that that controlling, impelling necessity exists. If you are going to leave anything open to be taken advantage of in case of emergency, anything to be taken care of with reference to conditions of which we can not know at this time, I do not know how you could do it in more guarded language. I do not fear that the President will suspend the law or permit this law to take effect under any other conditions than those of impelling necessity; and if there is that necessity I do not see why it should not be provided for. For that reason we are passing this law.

Now, Mr. President, just a word in regard to the second proposition. I do not say that this amendment is drawn, of course, to invite evasion; certainly not. It was drawn for a different reason, and that was to require the bona fide holding by American citizens of a majority of the stock of a corporation taking over one of these ships. The difficulty with which we are met on the threshold of the proposition is to secure anything like an observance of the intent or purpose which is contained in the amendment. The amendment provides that upon the registry there shall be at that time a holding of a majority of the stock by American citizens.

So far as the law of nations is concerned, and so far as the rights of belligerents are concerned, what is the difference whether they hold 49 per cent or 51 per cent? The corporation owns the vessel. The stockholders have no title in it at all. It is owned by an American citizen; by an American corporation. The mere fact that a majority of the stock is owned by American citizens would not, in my judgment, have any effect at all with reference to the law of neutrality or with reference to the question of interfering with the rights of belligerent powers.

If it were possible to enforce this provision from time to time and from day to day, if any method could be suggested by the Senator by which that could be made a practical proposition, the purpose and the object of the amendment could be accomplished, but no feasible plan has been suggested and none occurs to me by which the very thing the Senator desires to prevent could not be accomplished by a single step in advance of that which it is necessary to take now. He assumes that that would not be done; but why would it not be done if it was the original intent of the parties, as he must presume that it would be in the other instance, to make a formal transfer? If there is any inducement, if there is any reason for these ships to come in under cover to protect themselves, would they be retarded or impeded in accomplishing that purpose and realizing their design because it was necessary to take one step further and transfer this stock? We must assume that there will be some compelling or controlling reason for them to take advantage of this law; and if there was that reason, why would they hesitate for a moment to take the other step, which would be perfectly legitimate upon its face?

The stockholders of a corporation may be certain persons to-day and a perfectly legitimate transfer may be made to-morrow or a week from to-day or a month from to-day, and no possible reason in the world may exist for a challenge of the transfer.

The Senator has said that this amendment was discussed at length before the Senate. So far as this particular amendment was concerned, I do not understand that it was discussed at all. The other amendment, which went much further, was discussed; but this was offered and debated for but a moment, if at all, and was agreed to; and how to enforce it, how to make it effective, how to render it a substantial provision to accomplish the purposes for which the parties desired it to be agreed to was never discussed, and has not been suggested. There has not been a suggestion in the debate up to this time as to how this amendment could be made effective. The Senator does not himself suggest any method for making this amendment effective. It would hinder and retard in this emergency without accomplishing any permanent benefit whatever. The Senator argues at length and with great earnestness how the failure to adopt his amendment will involve us in war. That argument does not seem to me well founded, and I will not seek to meet it.

Mr. O'GORMAN. Mr. President, it was hoped that we might reach a final vote on the conference report to-day; but that does

not seem to be practicable. I now ask unanimous consent that we vote on the pending motion not later than 12 o'clock on Monday next.

Mr. LIPPITT. There can be no amendments?

Mr. O'GORMAN. No amendments.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Nelson	Simmons
Borah	Hollis	Norris	Smith, Ga.
Burton	Johnson	O'Gorman	Smoot
Chamberlain	Jones	Overman	Sterling
Clapp	Kern	Perkins	Stone
Clark, Wyo.	Lane	Pittman	Swanson
Clarke, Ark.	Lea, Tenn.	Poincexter	Thomas
Culberson	Lee, Md.	Pomerene	Thornton
Cummins	Lewis	Ransdell	Tillman
Fall	Lippitt	Saulsbury	Walsh
Gallinger	McCumber	Sheppard	West
Gore	Martin, Va.	Shields	Williams

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BRADY, Mr. BRYAN, Mr. MARTINE of New Jersey, Mr. THOMPSON, Mr. VARDAMAN, and Mr. WHITE answered to their names when called.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, anticipating the request that is to be made, and understanding that we are not to be in session to-morrow, I will ask the Senator from New York if he can not make it 2 o'clock, the bill to be taken up immediately upon assembling?

Mr. O'GORMAN. I have no objection.

Mr. GALLINGER. And that no Senator shall speak more than once. There will be no amendments.

Mr. O'GORMAN. I embody that in my request.

Mr. LIPPITT. The Senator means that no Senator shall speak more than 20 minutes in case anybody else wants to speak.

Mr. GALLINGER. Yes; certainly.

Mr. O'GORMAN. That we proceed to vote not later than 2 o'clock on next Monday, and that meanwhile no Senator shall occupy more than 20 minutes in addressing the Senate.

Mr. GALLINGER. If any other Senator desires to speak.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the following:

That from this time forward no Senator shall speak longer than 20 minutes upon the conference report if some other Senator desires to speak, and that not later than 2 o'clock on Monday next the vote shall be taken upon the question as to whether the conference report shall be adopted.

Mr. BORAH. Mr. President, I understood that no Senator was to speak more than 20 minutes if some other Senator desired to speak. I do not know exactly how a Senator who was on the floor would know, unless some other Senator should go up and tell him that he would like him to quit.

Mr. GALLINGER. I think we can adjust that.

Mr. BORAH. I think it had better be limited to 20 minutes to a Senator.

Mr. GALLINGER. There is no objection to that on my part.

Mr. LIPPITT. I think there is no harm in the arrangement the way it is proposed. Certainly there could be no difficulty about a Senator getting information to the Senator on the floor that he would like to take his place. There are various ways of doing that.

The VICE PRESIDENT. Is it understood that no Senator shall speak more than once?

Mr. GALLINGER. Yes.

Mr. O'GORMAN. And that no Senator shall speak more than once.

The VICE PRESIDENT. Let the Secretary state the proposed unanimous-consent agreement.

Mr. LIPPITT. I have not made any remarks on this subject, and I think I should like to occupy rather more than 20 minutes. I shall not want to make a long address, but I think I shall want to say something, and 20 minutes is a very short time. Various Senators have already occupied an hour or two. The distinguished Senator from Idaho has occupied a few minutes, and I can not see that there is any great objection to allowing a Senator to occupy more than 20 minutes, provided he is not depriving somebody else of the floor during that time.

Mr. BORAH. Mr. President, the Senator from Idaho has occupied perhaps 20 minutes altogether upon this bill.

Mr. LIPPITT. I have no doubt it has been very well occupied.

Mr. BORAH. Yes; I hope so, and I hope it will have an effect on the Senator from Rhode Island.

Mr. GALLINGER. And on the country. Let the agreement be stated.

The VICE PRESIDENT. It is in the handwriting of the Chair, and the Chair will read it:

It is agreed by unanimous consent that at not later than 2 o'clock on Monday, August 17, 1914, the Senate proceed to vote upon the adoption of the conference report on the bill H. R. 18202, and that hereafter no Senator shall speak more than once nor longer than 20 minutes upon the report should any other Senator desire to speak at the expiration of such 20 minutes.

Mr. SMOOT. From the statement made by the Senator from New Hampshire I take it that it has been virtually agreed that we are to adjourn over until Monday.

Mr. O'GORMAN. I understand that is the purpose.

Mr. SMOOT. I do not object to the unanimous-consent agreement, but I should like to ask the Senator from Indiana if it would not be agreeable to all to have a session to-morrow to take up the calendar under Rule VIII and consider bills to which there is no objection.

Mr. GALLINGER. Let us dispose of the unanimous-consent agreement first.

Mr. SMOOT. I have no objection to agreeing to that.

The VICE PRESIDENT. Is there objection to this unanimous-consent agreement?

Mr. CLARK of Wyoming. I desire to ask a question. It is proposed to adjourn over until Monday. I am not informed, but I suppose there is some good reason why we should waste a day in this session, which we hope to draw to a close without unduly delaying the very necessary work that is before the Senate. I should like, before agreeing to any part of this program, to ascertain what reason there is for cutting out to-morrow as a legislative day.

Mr. KERN. There has been a pretty general desire expressed on the part of Senators, who are very tired and very much worn, to have a day's rest. Inquiry was made as to whether any Senator was prepared to go on with the unfinished business—the Clayton bill—to-morrow, and inquiry failed to develop the fact that anyone is so ready.

Mr. CLARK of Wyoming. Then why can we not vote on it?

Mr. KERN. If we could secure a quorum, I would have no objection.

Mr. CLARK of Wyoming. Why can we not obtain a quorum? This is a regular session of Congress. I do not see why we should not have a quorum to-morrow just as well as at any other time.

Mr. KERN. I have no objection to a session to-morrow for the purpose of calendar work. I think that would be a very wise arrangement.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement? The Chair hears none.

COTTON WAREHOUSE LICENSES.

Mr. SMITH of Georgia. I desire to ask unanimous consent out of order to introduce a bill. I think the character of the bill is one which justifies this request.

Mr. SMOOT. It is an emergency measure?

Mr. SMITH of Georgia. It is. It is a bill which was prepared by Members of both the House and Senate in cooperation with the Agricultural Department looking toward the establishment of cotton warehouses licensed by the Agricultural Department. It is a very important and pressing measure, growing out of the war situation.

Mr. GALLINGER. That sounds familiar to me, but I have to go back a good many years to find the original author of it.

Mr. SMITH of Georgia. I do not know who originally offered it. I am perfectly willing to take the personal responsibility.

The VICE PRESIDENT. Is there objection?

Mr. BURTON. Mr. President, one minute. I understand it does not involve any expenditure of money by the Government unless, perhaps, for inspectors.

Mr. SMITH of Georgia. That is all. There is a small cost provided in the bill.

Mr. BURTON. Not for furnishing warehouses or advancing money, or anything of that kind.

Mr. SMITH of Georgia. I would be glad to have the bill read. I am not asking for its present consideration, but for leave to introduce it. I do not ask to have the bill passed now.

Mr. BURTON. It is only to introduce it.

Mr. SMITH of Georgia. That is all.

The bill (S. 6266) to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Georgia. I ask that the bill may be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

A bill (S. 6266) to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes.

Be it enacted, etc., That this act shall be known by the short title of "United States cotton warehouse act."

SEC. 2. That the term "warehouse" as used in this act shall be deemed to mean every building, compress, ginhouse, and other structure in which any cotton is, or may be, stored or held for, or in the course of, interstate or foreign commerce.

SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, and certification of cotton; upon application to him, to inspect warehouses or cause them to be inspected; at any time, with or without application to him, to inspect, or cause to be inspected, all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for, or have been issued, under this act are suitable for the proper storage or holding of cotton; to classify warehouses in accordance with their location, surroundings, capacity, condition, and other qualities, and the kinds of licenses issued, or that may be issued, to them pursuant to this act; and to prescribe the duties of warehouses licensed under this act with respect to the care of cotton stored or held therein.

SEC. 4. That the Secretary of Agriculture is authorized, upon application to him by the owner or operator of a warehouse, to issue a license for the conduct of the same, subject to this act and such rules and regulations as may be made hereunder. Each license shall specify the date upon which it is to terminate, and, upon showing satisfactory to the Secretary of Agriculture, may, from time to time, be renewed, or extended, by a written instrument which shall specify the date of its termination.

SEC. 5. That applications may be made to the Secretary of Agriculture by the owner or operator of any warehouse licensed under this act for permission to designate the same as bonded under this act. No warehouse shall be so designated, and no name or description, conveying the impression that it is so bonded, shall be used until a bond, with such penalty, containing such conditions and with such security as the Secretary of Agriculture may require, shall have been given, and he shall have approved the same, nor unless the approval by the Secretary of such bond remains uncancelled and in full force and effect. Any person owning cotton stored in a warehouse bonded under this act, or owning a receipt for cotton therein issued under this act, shall be entitled, in an action upon the bond brought in any court of the United States having jurisdiction of the same, to recover all damages he may have sustained in respect to such cotton or receipt by reason of either the negligence or the misconduct of the owner or operator of the warehouse or of his agents or servants.

SEC. 6. That the Secretary of Agriculture may, upon presentation to him of satisfactory proof of competency, issue to any person a license to grade or classify cotton, and to certificate the grade or class thereof, under such rules and regulations as may be made pursuant to this act.

SEC. 7. That for all cotton stored or held by a warehouse licensed under this act original receipts, serially numbered, shall be issued by the owner or operator thereof, signed by himself or by his duly authorized agent. No such receipt shall be issued except for cotton actually stored or held in the warehouse at the time of the issuance thereof. No duplicate or copy of an original receipt shall be issued unless the same be plainly and conspicuously marked "duplicate" or "copy," as the case may be, upon the face thereof. While an original receipt, or any duplicate or copy thereof, issued under this act is outstanding, and uncanceled by the owner or operator of the warehouse issuing the same, no other or further receipt shall be issued for the cotton, except that in the case of lost or destroyed receipts new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act. Any receipt issued in lieu of an original shall be upon the same terms and subject to such conditions as are prescribed by this act for such original receipt. Each original receipt shall include a true statement of the date and place of its issuance, its serial number, the location of the warehouse in which the cotton is stored or held, the weight of the cotton at the time of the issuance of the receipt, a description of the bales or packages by marks, numbers, or other means of identification, the amount or rate of storage charges, if any, which have accrued or are to accrue within six months from the date of the issuance of the receipt, and constitute a lien on the cotton which has not been waived by the warehouseman, and when payable, and the amount and period of insurance, if any, on the cotton. Each such receipt shall include statements that it is issued subject to this act and that no other receipt for the cotton described therein or any part thereof is outstanding and, in addition to complying with this section, shall contain such terms and conditions, not inconsistent with the laws of the respective States in which issued, as the Secretary of Agriculture may require for carrying out the purposes of this act. Receipts may run to bearer, or to a specified holder, or to a specified holder or his assigns. The owner of an original receipt issued pursuant to this act shall be entitled, upon presentation thereof, to receive the identical cotton described therein.

SEC. 8. That each warehouse licensed under this act, whether bonded or not, shall keep correct records of all cotton stored or held therein and withdrawn therefrom, of all original warehouse receipts, and the duplicates or copies of the same, issued by the owner or operator of the warehouse, and of the receipts returned to and canceled by the owner or operator thereof, shall make reports to the Secretary of Agriculture, in such form and at such times as he may require, and shall be conducted and operated in all other respects in compliance with this act and the rules and regulations made hereunder.

SEC. 9. That any warehouse receipt or certificate of the grade or class of cotton issued under this act may specify the grade or class of the cotton covered thereby in accordance with the official cotton standards of the United States, as the same may be fixed and promulgated under authority of law from time to time by the Secretary of Agriculture, or in accordance with any other standard. If such receipts and certificates state the grade or class, they shall show the standard in accordance with which the cotton has been graded or classified.

SEC. 10. That the Secretary of Agriculture is authorized to cause inspections and examinations to be made of any cotton which, in any warehouse receipt or certificate issued pursuant to this act, has been certified or represented to conform to any grade or class established in the official cotton standards of the United States and to ascertain whether the cotton is in fact of the specified grade or class. Whenever, after opportunity for hearing has been afforded to the owner of the cotton involved and the licensee concerned, it is determined by the Secretary that any such cotton has been incorrectly certified or represented to conform to a specified grade or class of the official cotton standards of the United States, he may publish his findings.

SEC. 11. That the Secretary of Agriculture may suspend or revoke any license issued, and may cancel his approval of any bond given, under this act for any violation of, or failure to comply with, any provision of this act or of the rules and regulations made hereunder. Any license may be suspended or revoked, after opportunity for hearing has been afforded to the licensee concerned, upon the ground that unreasonable or exorbitant charges have been made for services rendered.

SEC. 12. That the Secretary of Agriculture, from time to time, shall publish the results of investigations made under this act, the names and locations of warehouses licensed and bonded, and the names and addresses of persons licensed under this act, and lists of all licenses suspended or revoked and of all bonds canceled hereunder.

SEC. 13. That the Secretary of Agriculture is authorized, through officials, employees, or agents of the Department of Agriculture designated by him, to examine all books, records, papers, and accounts of warehouses licensed under this act and of the owners or operators of such warehouses relating thereto.

SEC. 14. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

SEC. 15. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere. He is authorized, in his discretion, to call upon qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

AMELIA ERICKSON.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 440, submitted by Mr. STERLING yesterday, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Amelia Erickson, widow of John L. Erickson, late a messenger to Senator STERLING, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as in lieu of funeral expenses and other allowances.

PORT OF PEMBINA, N. DAK.

Mr. SIMMONS. I ask unanimous consent to report favorably a bill from the Committee on Finance in which the Senator from North Dakota [Mr. McCUMBER] is very much interested, and I call his attention to it.

I am directed by the Committee on Finance, to which was referred the bill (S. 5449) to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement, to report it favorably without amendment, and I submit a report (No. 742) thereon.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It extends the privilege of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement to the port of Pembina, N. Dak.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RATES ON SUGAR.

Mr. RANDELL. In view of the very rapid increase in the price of food products I ask unanimous consent to print in the RECORD two very interesting letters from Mr. Paul J. Christian, for the American Cane Growers' Association. They contain very valuable information, which I think will be read with great interest by Senators. I ask that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

AMERICAN CANE GROWERS' ASSOCIATION OF UNITED STATES,
Washington, D. C., August 8, 1914.

Hon. Jos. E. RANDELL,

United States Senate, Washington, D. C.

DEAR SENATOR: My letter of July 20 was accompanied by two charts showing the range of raw and refined sugar on the wholesale New York market from June 5, 1913, to July 16, 1914, inclusive.

Your attention was called to the action of the refiners in advancing the price of their highest price brand, "Crystal Dominoes," 25 cents a hundred pounds in the last six weeks of the period covered by the charts. In citing this advance the statement was made that it was not warranted by conditions in the raw sugar market.

Developments in Europe during the past week have resulted in a sensational advance in both raw and refined sugar. Prices now promise to soar far above the level of 1911, when the shortage of the European beet crop was followed by a world-wide advance in prices.

But the refiners should not be allowed to take advantage of the war in Europe to deceive Congress or the consuming public regarding their course in advancing prices. Their record in this connection should be made plain to the people.

They broke their promise, at the same time issuing misleading statements that the consumers were receiving the full benefit of the 25 per cent cut in the tariff on raw sugar. This was before the slightest cloud had appeared upon the horizon of European politics.

As stated in the cited case of Crystal Dominoes, the refiners began the advance during the week of May 21-23, a full month before the Austrian Archduke Ferdinand was assassinated at Sarajevo, on June 28. All of the advances I cited occurred prior to July 16, but Austria did

not send her ultimatum to Serbia until a week after that date, July 23. Consequently the refiners can not plead the European trouble for breaking their promise.

Should a readjustment of the import duties be deemed necessary by reason of the European war, these facts should be brought to the attention of Congress in considering the sugar schedule.

Not only did the Sugar Refining Trust and its allies fail to live up to its promise to give the consumers the full benefit of the tariff cut on raw sugar, but before the war in Europe afforded them the slightest excuse they were cleaning up millions of dollars at the expense of the domestic producers.

The Department of Agriculture estimates the last Louisiana crop at 292,000 short tons. Approximately two-thirds of that crop was marketed in New Orleans, where there was but one purchaser, the Refining Trust, for practically the entire lot.

Of the 202,000 tons received at New Orleans, 187,000 tons arrived between November 1, 1913, and January 29, 1914, and had to be sacrificed by the planters at prices ranging from 3.70 to 3.23 cents a pound, less the fictitious freight between New Orleans and New York, which the trust has for years extorted from the Louisiana producers. Louisiana did not suffer alone in marketing the last crop at ruinous prices. The same treatment was meted out to Porto Rico and to Hawaii by the refiners, and yet it was this cheap sugar, bought at figures that spelled the ruin of the domestic industry as a result of the tariff cut, upon which the greedy refining combine has been clearing millions of profits both prior to and since the opening of the war in Europe.

This is but a repetition of the course they followed in 1911, when the high price of sugar became such a burden to the consuming masses. Speaking of the policy they pursued at that time, the United States Department of Labor says in its publication, "Sugar Prices from Refiner to Consumer" (p. 6):

"When raw sugar reached the extremely high prices in 1911 the refiners simply did not buy until they had exhausted the large stocks laid in at much lower prices, and in August, 1911, while the average market price for the month for 96° centrifugal sugar was 4.88 cents per pound, the average actual cost price of 96° centrifugal sugar melted by one of the large refineries was close to 4 cents per pound."

There is every promise that the refiners will clean up much larger profits in 1914 than in 1911, and it is obvious that this will not be entirely due to the European war.

Very respectfully,

PAUL J. CHRISTIAN,
For the American Cane Growers' Association.

AMERICAN CANE GROWERS' ASSOCIATION OF UNITED STATES,

Washington, D. C., July 20, 1914.

Hon. Jos. E. RANDELL,

United States Senate, Washington, D. C.

DEAR SENATOR: Under date of June 17, 1914, Frank C. Lowry, of the Federal Sugar Refining Co., and spokesman of the sugar-refining industry, issued a circular letter to the Members of Congress in which he said:

"DEAR SIRS: Three months operation under the new tariff show that the consumer is receiving all the benefit of the 25 per cent reduction in the duty on sugar. Since the new rates went into effect refiners' selling price has averaged 3.819 cents per pound, as compared with an average price for the last 10 years of 4.85 cents per pound."

In refutation of the statement that "the consumer is receiving all the benefit of the 25 per cent reduction in the duty on sugar," I desire to submit the following data:

First, A statement compiled from Willett & Gray's Weekly Statistical Sugar Trade Journal, showing the New York wholesale price of the leading brands of refined sugar on July 16, 1914, as reported in the last issue, compared with the price for the same grades quoted October 9, 1913, as reported in the first issue of the same publication following the passage of the tariff act, and in which issue the news was announced to the sugar trade that President Wilson had signed the Underwood-Simmons bill:

Wholesale New York prices.

	July 16, 1914.	Oct. 9, 1913.	Result after 10 months of new tariff (per hundred pounds).
Crystal Dominoes, cases, 2 pounds	7.50	7.45	Advance 5 cents.
Crystal Dominoes, cases, 5 pounds	7.00	6.95	Do.
Eagle tablets	5.80	5.70	Advance 10 cents.
Cut leaf	5.30	5.20	Do.
Crystal Domino granulated (cartons)	4.70	4.70	Stationary.
Mould A	4.85	4.75	Advance 10 cents.
Diamond A	4.40	4.40	Stationary.
Fine granulated, barrels and 100-pound bags	4.40	4.40	Do.
Fine granulated, 25 and 50 pound bags ...	4.45	4.45	Do.
Fine granulated, 2, 3½, and 5 pound car- tons	4.60	4.60	Do.
Coarse granulated	4.45	4.50	Decline 5 cents.
Standard granulated	4.40	4.45	Do.
Extra fine granulated	4.40	4.40	Stationary.
Cubes	4.65	4.65	Do.
XXXX powdered	4.55	4.55	Do.
Confectioners' A	4.30	4.25	Advance 5 cents.
No. 1	4.15	4.15	Stationary.
No. 2	4.10	4.10	Do.
No. 3	4.05	4.05	Do.
No. 4	4.00	4.00	Do.
No. 5	3.95	3.95	Do.
No. 6	3.90	3.90	Do.
No. 7	3.85	3.85	Do.
No. 8	3.80	3.80	Do.
No. 9	3.75	3.75	Do.
No. 10	3.70	3.70	Do.
No. 11	3.65	3.65	Do.
No. 12	3.55	3.60	Decline 5 cents.
No. 13	3.50	3.50	Do.
No. 14	3.50	3.55	Do.
No. 15	3.50	3.55	Do.

Second. The statements prepared by the United States Department of Commerce, showing that the United States Treasury has been losing more than \$2,000,000 a month as a result of the new import rates on sugar. They are as follows:

	New rates.	Old rates.	Difference.
March.....	\$7,172,850.33	\$9,682,208.95	\$2,479,358.62
April.....	5,712,113.74	7,663,312.65	1,951,198.91
May.....	5,499,815.45	7,370,674.95	1,870,859.50
June.....	6,863,661.07	9,199,660.92	2,335,999.85
Total.....	25,248,440.59	33,885,857.47	8,637,416.88

Third. Excerpts taken from the advertising columns of the daily papers of almost every State, now on file in the Library of Congress. These advertisements show the retail price of sugar.

This is the fairest way of ascertaining how the consumer has actually fared. The merchants paid for the newspaper space carrying these advertisements. The prices were announced as "bargains," and in many cases sugar was offered at cost in order to stimulate the sale of other goods.

Wherever it has been possible to do so corresponding prices for a year ago have been given from the papers on file in the library.

1914.

1913.

ALABAMA.

Hy. C. Meyer, Mobile, X standard granulated sugar, 22 pounds, \$1. (From the Item, July 10, p. 3.)

ARKANSAS.

Special City Market & Arcade, Little Rock, 20 pounds granulated sugar, \$1. (From the Gazette, July 11, p. 2.)

CALIFORNIA.

Arata Bros., Sacramento, best cane sugar, 21 pounds, \$1. (From the Bee, July 13, p. 5.)

COLORADO.

The John Thompson Grocery Co., Denver, 22 pounds fine granulated sugar, \$1. (From the Rocky Mountain News, July 12, p. 4, sec. 2.)

CONNECTICUT.

The Mohican Co., Waterbury, 5 pounds granulated sugar, 23 cents. (From the Republican, July 15, p. 13.)

DELAWARE.

Heroy, Wilmington, sugar, 4½ cents with pound of tea or coffee; limit, 8 pounds. (From the Every Evening, July 10, p. 7.)

FLORIDA.

A. B. Anderson, Jacksonville, 25 pounds granulated sugar, \$1.18. (From the Florida Metropolis, July 17, p. 12.)

GEORGIA.

The A. M. Patrick Stores, Savannah, 5 pounds sugar, 25 cents. (From the Press, July 10, p. 8.)

ILLINOIS.

United Grocery Co., Peoria, 25-pound bag Havemeyer & Elder sugar, \$1.09. "Friday only with \$2 order, except eggs, grape juice, lard, feed, and butter. An amazing offer, considering the local wholesale market to-day stands about \$5 a hundred." (From the Star, July 16, p. 14.)

INDIANA.

O. K. Cash Grocery, South Bend, 10 pounds sugar, 41 cents, with \$1 order. (From the News-Times, July 13, p. 5.)

IOWA.

Baron's Department Store, Sioux City, 5 pounds cane sugar, 25 cents. (From the Tribune, July 6, p. 12.)

KANSAS.

The Magnet, Leavenworth, best granulated sugar, 21 pounds, \$1. To-day only. (From the Times, July 8, p. 6.)

KENTUCKY.

Mammoth Grocery Co., Louisville, 7-pound bags, 34 cents; 3 bags, \$1. "Standard granulated has advanced again and will go higher." (From the Evening Post, July 17, p. 12.)

MAINE.

The Mohican Co., Lewistown, 5 pounds sugar, 17 cents. (From the Evening Journal, July 17, p. 7.)

MARYLAND.

Stewart & Co., Baltimore, 25-pound muslin bags sugar, \$1.11. (From the News, July 14, p. 9.)

MASSACHUSETTS.

Bay State Market Co., New Bedford, 10 pounds sugar for 48 cents. (From the Evening Standard, July 16, p. 14.)

MICHIGAN.

Peter Smith & Sons, Detroit, 25 pounds sugar, \$1.17. (From the Free Press, July 17, p. 9.)

MINNESOTA.

George A. Beck, Minneapolis, 25 pounds sugar, \$1.15. (From the Journal, July 1, p. 4.)

MISSISSIPPI.

Kuehn Bros., Natchez, sugar 5 cents per pound. (From the Daily Democrat, July 15, p. 8.)

NEBRASKA.

Freadrich Bros., Lincoln, 18 pounds sugar, \$1. (From the State Journal, July 11, p. 6.)

NEW HAMPSHIRE.

The Mohican Co., Concord, 25 pounds best granulated sugar, \$1.19. (From the Evening Monitor, July 17, p. 6.)

NEW JERSEY.

Charles M. Decker & Bros., Newark, 7 pounds sugar, 32 cents. (From the Evening News, July 15, p. 10.)

NEW YORK.

The Mohican Co., Rochester, 10 pounds best granulated sugar, 45 cents on Tuesday with every 35-cent purchase of coffee. (From the Herald, July 14, p. 4.)

NORTH CAROLINA.

Culp Bros., Charlotte, 10 pounds sugar, 50 cents. (From the News, July 17, p. 8.)

OHIO.

Kroger's, Dayton, 25 pounds sugar, \$1.12. (From the Journal, July 17, p. 6.)

OKLAHOMA.

E. L. Powers, Muskogee, 18 pounds sugar, \$1. (From the Times-Democrat, July 10, p. 8.)

OREGON.

Olds, Wortman & King, Portland, 100 pounds sugar, \$4.80. (From the Daily Journal, July 13, p. 7.)

PENNSYLVANIA.

Divés, Pomeroy & Stewart, Harrisburg, 5 pounds sugar, 24 cents. (From the Telegraph, July 14, p. 12.)

SOUTH CAROLINA.

C. D. Kenny Co., Spartanburg, 20 pounds sugar, \$1. (From the Herald, July 18, p. 8.)

TENNESSEE.

Castner-Knott Co., Nashville, best Havemeyer & Elder sugar, 10-pound bag, 50 cents. (From the Tennessean, July 12, p. 3.)

TEXAS.

Bleich's Grocery, Galveston, 4 pounds sugar, 25 cents. (From the Tribune, July 15, p. 3.)

UTAH.

Utah Grocery, Salt Lake City, 20 pounds sugar, \$1, with \$1 purchase of other goods. (From the Deseret Evening News, July 10, p. 3.)

VERMONT.

Combination Cash Store, Rutland, 25 pounds sugar, \$1.13. (From the Herald, July 15, p. 12.)

VIRGINIA.

Harry Morris, Norfolk, Franklin 2, 4, and 25 pound packages, 4½ cents per pound; not over 25 pounds to customer. (From the Norfolk Virginian-Pilot, July 12, p. 28.)

Ullman's Sons, Richmond, best American granulated sugar, 4½ cents. (From the Times-Despatch, July 6, p. 7.)

WASHINGTON STATE.

People's Store, Tacoma, 22 pounds pure cane sugar, \$1. (From the Daily Ledger, July 14, p. 14.)

People's Store, Tacoma, 20 pounds sugar, \$1. (From the Daily Ledger, July 3, p. 14.)

WEST VIRGINIA.

Modern Market & Cash Grocery Co., 25 pounds sugar for \$1.25. (From the Charleston Gazette, June 27, p. 5.)

Barlow & Co., Wheeling, 25-pound sack of sugar, \$1.19. (From the Register, July 14, p. 2.)

WISCONSIN.

Bauch's, Milwaukee, 6 pounds sugar, 23 cents. (From the Daily News, July 10, p. 8.)

Boston Store, Milwaukee, 10 pounds sugar, 44 cents, with \$1 order of other goods. (From the Sentinel, July 6, p. 9.)

When Mr. Lowry began the refiners' campaign of publicity to destroy the tariff on American-grown raw sugar he said in the first of his long series of letters:

"There is absolutely no question but that the consumer will get all the benefit from 'free sugar' or a reduction in the tariff rate on raw sugar, with a corresponding reduction in the rate on refined sugar."

This statement was repeated on page 2 of the publication entitled "Our High Tariff on Sugar From the Consumers' Standpoint," issued by the Federal Sugar Refining Co., with which Congress was flooded during the consideration of the sugar schedule.

You can judge from the above three exhibits whether "the consumer is receiving all the benefit of the 25 per cent reduction in the duty," also whether there has been "a corresponding reduction in the rate on refined sugar."

In the article I have quoted from Mr. Lowry, in which he promised on behalf of the refiners the reduction to the consumer, he continued:

"Those in the sugar trade fully recognize this [a reduction in refined following a reduced tariff]. It is also shown by the domestic producer's anxiety. He well knows that a reduced tariff rate means that he will have to sell his product at a lower price. If it were not so, he would not be working so hard to have the present rate maintained, but in the hope of confusing the issue he does a lot of talking about it being useless to reduce the rate because the 'consumer will not get the benefit,' knowing that this is 'rot.'"

I now wish to call your attention to one of the deceitful practices followed by the refiners to create free-sugar sentiment while the tariff was undergoing revision and continued by them "to save their face" for a short time thereafter. Sugar was marked down so low that it was sold at an actual loss. After their purpose was accomplished and public interest began to subside, they steadily advanced prices to make up their losses, and now the consumer, who was deceived for a short period, "is paying the fiddler." This is clearly illustrated by the advertisements of retail stores appearing in the Washington (D. C.) newspapers. They are easily accessible and are typical of the prices advertised throughout the United States during the corresponding period:

September 11, 1913: Atlantic & Pacific Tea Co., sugar 3½ cents per pound—tariff bill still pending. (From the Evening Star.)

October 20, 1913: Atlantic & Pacific Tea Co., sugar 3.3 cents per pound—new sugar schedule not yet operative. (From the Evening Star.)

April 2, 1914: Old Dutch Market, sugar 3.8 cents per pound—new duty effective. (From the Evening Star.)

April 19, 1914: Old Dutch Market, sugar 4 cents per pound—sugar going up. (From the Washington Times.)

June 15, 1914: Old Dutch Market, sugar 4½ cents per pound—still going up. (From the Washington Post.)

The campaign carried on by the refiners last winter to depress the price of raw sugar resulted in that commodity being depressed to the lowest point on record. Many producers were compelled to sell at less than the cost of production. Thousands of farmers were irretrievably ruined. Their protest that they were being sacrificed without warning and that no one would benefit from their ruin but the greedy Refining Trust was received as "rot."

During that period of depression the Journal of Commerce on January 7 last announced that the Federal Sugar Refining Co. had suspended the quarterly dividends of its common stock, but quoted President Spreckels as saying that the dividends would be resumed "as soon as the normal price between raw and refined sugar is resumed."

On June 24, 1914, the same paper had the following interesting announcement:

"While a great many manufacturers and merchants are complaining of business depression, and are ascribing it in part to the reduction of the tariff, Claus A. Spreckels, president of the Federal Sugar Refining Co., declares that the sugar business is booming as a result of the tariff changes, which, he says, has had the effect of reducing the price to the consumer, and has resulted in a large increase in the consumption of sugar."

"In an interview with a representative of the Journal of Commerce yesterday Mr. Spreckels said that the consumption of sugar during the past three and a half months, since the tariff reduction went into effect, had increased about 20 per cent, compared with the same period of 1913."

In view of all the facts there is small wonder that Mr. Spreckels should proclaim that: "The sugar business is booming."

For years the American public has been "gulled" as to the price it was paying for sugar by having the New York wholesale price of raw and granulated "net cash" sugar quoted as an index. These prices are given in chart No. 2 for the same period covered by the refined-sugar prices set forth in chart 1.

Chart No. 1, giving the range of prices of refined sugar, shows how the warning of the domestic producers of raw sugar, that the Refining Trust would absorb for its own advantage any reduction in the tariff, has been fulfilled. By way of illustration refer to Crystal Dominoes in 2 pound and 5-pound cartons, the highest-priced product of the refiners, now selling at 6.75 cents and 7.25 cents per pound, respectively. There was no condition in the sugar market early in June to cause

that already high-priced sugar to be advanced. Raw sugar had just declined from 3.39 on May 28 to 3.32 on June 4, during which period granulated had remained stationary. After remaining at 3.32 for one week raws went back to the 3.39 level, as shown by the report of June 18, but immediately declined again to the 3.32 level, as reported June 25; it was carried at that same price the next week of July 2; it declined on July 9 to 3.26, and is again repeated at the latter figure in the issue of July 16.

Notwithstanding this depression in the raw market the refiners ran their costly Crystal Dominoes up 10 cents a hundred between May 21 and 28; again advanced them 10 cents higher between June 11 and 18, and put up the price for a third time between July 9 and 16 by a further advance of 5 cents, a total of 25 cents a hundred. And Willett & Gray announced that further advances may be expected.

When the American farmers, whose industry has now been ruined, and who knew from years of experience what to expect of the Sugar Trust promises, predicted that this thing would happen, their warnings were pronounced "rot" by the refiners, and Congress chose to believe the refiners.

Whole communities that were prosperous have been reduced to actual poverty and distress; a great agricultural industry of more than a century's development and growth has been wiped out over night; the price of sugar has not only not been cheapened but actually increased to the customer; the Treasury of the United States is losing more than \$2,000,000 a month, and that huge sum has been diverted into the coffers of the meanest and most criminal of all the predatory trusts that have preyed upon the public.

In your speech delivered on the floor of the Senate on June 2 last year you quoted the predecessor of the present Attorney General of the United States as having denounced the Sugar Refining Trust in his annual report as "guilty of unparalleled depravity." There was no theft or depravity too low or too mean for it to stoop to. It "monkeyed with the meter" and stole the water from the public mains with which it refined the sugar; it bribed and corrupted United States employees on the docks; it put secret springs in the Government scales on which the imported cargoes were weighed so that it could steal a pound or two on each sack; it secured secret railroad rebates, and in numberless other ways enriched itself at the expense of the American farmer, the American consumer, and the United States Treasury. In your speech you pointed out that they had been compelled to hand back to the Government about \$4,000,000 of their stealings.

Many Members of Congress hesitated long before agreeing to support the new sugar legislation. They realized it marked the destruction of a great agricultural industry, and would not have lent their aid to such a policy unless they felt that they were aiding a much greater number of Americans by materially reducing the price of sugar. Surely these men will not consent to the continuation of a policy that works solely to the benefit of the Sugar Trust. Already the refiners have broken their word with Congress, as I have shown. But the worst is still to come.

Willett & Gray, in the issue of July 16, says: "The forecast that the next change in refined, when it came, would be an advance has been verified during the week. * * * No immediate further advance is looked for, but eventually the next change when it comes will be an advance, so buyers can carry liberal stocks with confidence during the hot season."

"All refiners can ship promptly while the raw sugar supplies are so abundant."

"We advise carrying full supplies."

With their only competitors, the domestic producers, practically exterminated; with the pie-crust promise of cheaper sugar broken and prices already back at the old level and going higher; with more than \$2,000,000 a month diverted from the Public Treasury into the trust treasury, it is easy to understand why the refiners are so well satisfied.

Very respectfully,

PAUL J. CHRISTIAN,

For the American Cane Growers' Association.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 1055) for the relief of T. S. Williams, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Pou, Mr. STEPHENS of Mississippi, and Mr. Scott managers at the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 14635) to satisfy certain claims against the Government arising under the Navy Department.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1644) for the relief of May Stanley, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Burns and Orin, in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Woman's Home Missionary Society of the Methodist Episcopal Church of Stafford Springs, Conn., remonstrating against the enactment of legislation to facilitate the use of square No. 673, in the city of Washington, D. C., for storage-warehouse purposes, which was referred to the Committee on the District of Columbia.

Mr. SHIVELY presented the petitions of H. E. Leech, T. H. Eaton, O. H. Monger, and 125 other citizens of Greenfield, Ind., praying for the enactment of legislation to provide for recog-

tion of Dr. Cook's polar efforts, which were referred to the Committee on the Library.

He also presented a petition of the Common Council of Muncie, Ind., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented memorials of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming (for Mr. WARREN) presented a petition of sundry citizens of Orin, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE (for Mr. OLIVER) presented a petition of sundry citizens of Pittsburgh, Pa., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also (for Mr. OLIVER) presented a petition of Local Union No. 250, United Mine Workers of America, of Lattimer, Pa., praying for the passage of the so-called Clayton antitrust bill, which was ordered to lie on the table.

He also (for Mr. OLIVER) presented petitions of the First Reformed Church of Salina, Pa.; the Reformed Church of Apollo, Pa.; the Bell Point Union Sunday School, of Apollo, Pa.; and of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 6609) for the relief of Arthur E. Rump, reported it without amendment and submitted a report (No. 744) thereon.

He also, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 11686) to provide that the United States shall in certain cases aid the States and civil subdivisions thereof in the construction and maintenance of rural post roads, reported it with an amendment and submitted a report (No. 743) thereon.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4256) to provide for the acquisition of a site and the erection of a public building thereon at Tonopah, Nev., reported it without amendment and submitted a report (No. 745) thereon.

He also, from the Committee on Naval Affairs, to which was referred the bill (S. 3561) to appoint Frederick H. Lemly, a passed assistant paymaster on the active list of the United States Navy, reported it without amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIVELY:

A bill (S. 6263) granting an increase of pension to Luther Curtis; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 6264) granting an increase of pension to Oliver J. Johnson; to the Committee on Pensions.

By Mr. VARDAMAN:

A bill (S. 6265) to establish an electric mail between cities and towns of the United States; to the Committee on Post Offices and Post Roads.

By Mr. GRONNA:

A bill (S. 6267) to provide a headstone for the grave of Scarlet Crow; to the Committee on Indian Affairs.

By Mr. POINDEXTER:

A bill (S. 6268) providing for relief of settlers on unsurveyed railroad lands; to the Committee on Public Lands.

A bill (S. 6269) providing an appropriation to equip and put in the field wire-drag parties for surveying the navigable waters of the Alaskan coast; to the Committee on Appropriations.

By Mr. SHEPPARD:

A bill (S. 6270) granting to rural mail carriers December 25 as a legal holiday; to the Committee on Post Offices and Post Roads.

A joint resolution (S. J. Res. 176) for control and distribution of the flood waters of the Rio Grande; to the Committee on Irrigation and Reclamation of Arid Lands.

T. S. WILLIAMS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1055) for the relief of T. S. Wil-

liams, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRYAN. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BRYAN, Mr. LEE of Maryland, and Mr. NORRIS conferees on the part of the Senate.

RECESS—THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate now take a recess until 11 o'clock to-morrow, and that on to-morrow we consider the calendar under Rule VIII, and consider only bills to which there is no objection.

Mr. GALLINGER. And no other business to be transacted.

Mr. SMOOT. And no other business to be attended to.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the Senate take a recess until 11 o'clock to-morrow, at which time the calendar under Rule VIII is to be taken up, only unobjected bills to be considered.

Mr. SMOOT. And no other business to be transacted.

The VICE PRESIDENT. And no other business to be transacted.

Mr. WILLIAMS. Reserving the right to object, I wish the Senator would put the request in a different form. We have been going on and neglecting the calendar except where unanimous consent was given. Unanimous consent is not given except for insignificant measures. There are upon the calendar several very important bills, amongst others the bill to regulate the sale of opium and cocaine, and all that sort of thing.

Mr. SMOOT. There is no objection to considering that bill.

Mr. WILLIAMS. It has been objected to every time. It has been called again and again, and some one has objected to its consideration.

Mr. SMOOT. The last time the bill was before the Senate we spent an hour and a half upon it, and it was laid aside because of some amendments that were not prepared and which could not be offered at that time.

Mr. WILLIAMS. We had it before the Senate once and we discussed it for quite a while, and after that whenever there was an opportunity to bring it up, whenever it was reached upon the calendar, it was objected to and passed over.

Mr. THOMAS. The Senator is mistaken. We called it up one night when the calendar was before the Senate for consideration and it was considered as in Committee of the Whole, and then by agreement it was laid over for the printing of the new amendments. It is now before the Senate with those amendments for further consideration.

Mr. WILLIAMS. It might be objected to when it comes up. I was not present at the night session of which the Senator from Colorado tells me. I wish the Senator from Utah would modify his request to this extent, that bills which have already been considered and laid temporarily aside when reached shall be considered.

Mr. SMOOT. If I did that, on the first bill which came up the yeas and nays would be perhaps demanded, and there might be no quorum, and the whole day would be lost. I have had no other object in view than to clear the calendar of bills to which there is no objection.

Mr. WILLIAMS. The bills to which there is no objection are the most insignificant bills that come before the Senate.

I shall not object to the request, because I do not want to stand in the way of Senators' individual bills, but this is just a system of letting the private bills of Senators, which are never objected to, go through while important public measures remain upon the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. POINDEXTER. I should like to hear the request stated.

The VICE PRESIDENT. It is a request upon the part of the Senator from Utah that the Senate take a recess until 11 o'clock to-morrow, at which time the Senate will proceed to the consideration of unobjected bills upon the calendar under Rule VIII, and that the Senate shall do no other business to-morrow.

Mr. POINDEXTER. I do not think I will object to the request, but I agree with the Senator from Mississippi that what we ought to do is to take up the calendar regularly under the rule. However, I will not object.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate thereupon (at 5 o'clock and 15 minutes p. m., Friday, August 14, 1914) took a recess until to-morrow, Saturday, August 15, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, August 14, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite spirit, our heavenly Father, that under the dispensation of Thy providence the world moves, and always to a definite purpose. In spite of the terrible calamities often visited upon Thy children on land and on sea, in spite of the appalling war which now absorbs the interests of the world and threatens destruction to life and home, out of it all shall come larger life and a betterment of conditions for all mankind; for God lives and reigns, and nothing shall thwart His plans. So we believe; so we hope and pray; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

REGISTRY OF FOREIGN-BUILT VESSELS.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, presented, for printing under the rule, the conference report and accompanying statement on the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT (NO. 1087).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendment: In lieu of the matter proposed by the Senate insert the following:

"That section 4132 of the Revised Statutes of the United States as amended by the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone,' approved August 24, 1912, is hereby amended so that said section as amended shall read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels may engage in the coastwise trade if registered pursuant to the provisions of this act within two years from its passage: *Provided*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirements of said act."

"SEC. 2. Whenever the President of the United States shall find that the number of available persons qualified under now existing laws and regulations of the United States to fill the respective positions of watch officers on vessels admitted to registry by this act is insufficient, he is authorized to suspend by order, so far and for such time as he may find to be necessary, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

"Whenever, in the judgment of the President of the United States, the needs of foreign commerce may require, he is also hereby authorized to suspend by order, so far and for such length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers

of the United States of foreign-built vessels admitted to American registry under this act.

"SEC. 3. With the consent of the President and during the continuance of hostilities in Europe, any ship chartered by the American Red Cross for relief purposes shall be admitted to American registry under the provisions of this act and shall be entitled to carry the American flag. And in the operation of any such ship the President is authorized to suspend the laws requiring American officers, if such officers are not readily available.

"SEC. 4. This act shall take effect immediately."

J. W. ALEXANDER,
RUFUS HARDY,
O. W. UNDERWOOD.

Managers on the part of the House.

JAMES A. O'GORMAN,
J. R. THORNTON,
JOHN K. SHIELDS,
WM. E. BORAH,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The provision of section 1 of the Senate amendment "that foreign-built vessels registered pursuant to the act shall not engage in the coastwise trade" is stricken out and the following provision is inserted in lieu thereof: "Foreign-built vessels may engage in the coastwise trade if registered pursuant to the provisions of this act within two years from its passage."

The effect of the provision agreed to by the conferees will be, first, to admit foreign-built vessels to American registry for the foreign trade if wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States, or of any State thereof, the president and managing directors of which shall be citizens of the United States, without any limitation as to time within which the vessels are admitted to American registry, and without limitation as to the age of the vessels, provided the vessels have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo; and second, to admit foreign-built vessels, the ownership and seaworthiness of which is as above provided, to American registry for the coastwise trade, as well as the foreign trade, if such vessels are registered within two years after the passage of the act.

The provision of section 1 of the Senate amendment amending section 4132 of the Revised Statutes as amended by section 5 of the Panama Canal act relating to foreign-built yachts, pleasure boats, or vessels not used or not intended to be used for trade, is struck out for the reason that it was repealed by the provisions of the tariff act of 1913.

The third paragraph of section 2 of the Senate amendment, which provides that the President of the United States and Secretary of the Navy may, under certain conditions named, direct the navy yards with their equipment to be used for the purpose of repairing merchant vessels now or hereafter registered under the American flag, was stricken out by the conferees. The effect will be to authorize and permit such repairs to be made only in privately owned yards.

The conferees struck out section 3 of the Senate amendment for the reason that the subject matter is disposed of in section 1, as modified by the conferees, a detailed explanation of which has been hereinbefore given.

The conferees struck out section 5 of the Senate amendment, which provides that naval officers, active and retired, and men serving and employed in the Navy of the United States, may, upon application to the Secretary of the Navy, accept temporary service upon vessels admitted to registry under the provisions of the Senate amendment.

The effect of striking out this provision will be to require such vessels to be officered as provided in the first paragraph of section 2 of the bill, or as provided by existing law, and to be manned as provided by existing law.

Except as herein mentioned, the Senate amendment is agreed to by the conferees.

J. W. ALEXANDER,
RUFUS HARDY,
O. W. UNDERWOOD,

Conferees on the part of the House.

RISE IN PRICES OF COMMODITIES.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to have read at the Clerk's desk a letter from the Secretary of Commerce on certain resolutions introduced touching the sudden rise of prices of commodities.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to have read from the Clerk's desk a letter from the Secretary of Commerce on the sudden rise of prices of food products.

Mr. ADAMSON. Pending that, Mr. Speaker, I wish to state that it has not been practicable to have a meeting of the committee. I have no motion myself to make at this time, but I think the letter ought to be read for the benefit of the House.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, August 13, 1914.

Hon. WILLIAM C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have before me copies of House resolutions 489, 318, and 590, with your request for the views of the department concerning the same. It will be a pleasure to cause a searching examination to be made into the increases in prices of commodities which are mentioned in various resolutions, to determine whether they have been arbitrarily and unnecessarily advanced, and whether artificial or monopolistic methods have been used in that connection. The department lacks, however, both the staff and the funds requisite to make an investigation of this character, and the sum of \$10,000, mentioned in resolution 318, would be both necessary and sufficient. Authority should be given to employ special agents for the work.

I respectfully suggest for your consideration whether the matter could not be more efficiently handled by the Department of Agriculture, which has, in its Bureau of Markets, a force particularly well informed upon such subjects.

Possibly I may interpret the request of your committee as justifying a statement of what the situation seems to be. The crop of wheat is the largest ever grown, and there is at the moment some congestion at export points and a consequent delay in shipping it abroad. The crops of other cereals are, I think, not unusually large—in some cases quite otherwise. In shipping these there is also some temporary congested condition. Two other facts need, however, consideration in this connection. The first is that the crops of other countries are not large and the armies engaged in conflict not only draw men from agriculture and industry but add very largely to the demand for grain, through the excessive consumption and destruction incident to war. Europe therefore is not only short in her supply, but demands more than usual, and is likely to continue so doing for some time. These conditions normally tend to enhance prices. In the second place, the existing stoppage of transit is not likely to continue long; indeed, both from private and official sources, I am advised that the interruption is already passing away, and both transit and exchange are assuming a more normal condition. Certain of the combatant nations are dependent upon others for their supply of food and their supply of materials to operate their industries, and this dependence is more real than usual, because of the increased demand for food and the increased call upon their industries, arising from the war itself. Consequently it is vital to them that they should have the ocean free, and should maintain its freedom at any cost, merely because their commercial, and to a very large degree their physical, existence depends upon it. I think therefore it may be considered more than probable that the embargo will soon cease, the ordinary processes of trade will be reopened, and that ordinary economic influences will come into operation. This may mean, in the case of grains, where our own supply is not exceptionally large and the foreign supply is short and the foreign demand is large, that prices will normally rise. War prices are commonly high prices, and the present is no exception.

It would be in the highest degree wrong, however, to have this occasion seized as a means of exceptional personal or private profit by speculators or by combinations, and in so far as the powers of this department can be used to determine if such methods exist, and to expose them where they may be found to exist, I shall be very glad, if provided with the necessary funds, to undertake the work.

Very truly, yours,

WILLIAM C. REDFIELD, Secretary.

Mr. FARR rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. FARR. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FARR. Would it be in order, by unanimous consent, to consider these resolutions at this time?

The SPEAKER. Anything is in order by unanimous consent.

Mr. FARR. I ask unanimous consent to consider the resolutions that were referred to the Committee on Interstate and Foreign Commerce.

Mr. GREGG. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas [Mr. GREGG] objects.

PRICES PAID FOR WHEAT IN KANSAS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 571.

The SPEAKER. The gentleman from Kansas [Mr. DOOLITTLE] asks unanimous consent for the present consideration of resolution 571, which the Clerk will report.

The Clerk read the title of the resolution, as follows:

H. Res. 571. Resolution requesting the Secretary of Commerce to report to the House all facts and information in his possession concern-

ing the prices paid for wheat to the producer thereof in the State of Kansas, and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

The SPEAKER. Is there objection?

Mr. FARR. Reserving the right to object, Mr. Speaker, I feel, in justice to the gentlemen who presented resolutions on this matter, that all of them should be considered at the same time.

Mr. DOOLITTLE. This resolution has already been favorably reported and has been on the calendar for about three weeks.

Mr. MANN. Has the resolution been reported, Mr. Speaker?

The SPEAKER. No. The Clerk will report the resolution.

The Clerk read as follows:

Resolution.

Whereas there has this year been produced in the State of Kansas approximately 180,000,000 bushels of wheat; and Whereas said wheat is now being moved to markets in and outside the said State of Kansas in large quantities; and Whereas large quantities thereof are sold to different grain dealers, concerns, and exporters at Kansas City, Mo.; and Whereas the average purchase price of said wheat paid to the producer is 63 cents per bushel at the loading elevators within the State of Kansas, and large quantities of the same wheat are sold for export by grain dealers, concerns, and exporters at Kansas City, Mo., for 82½ cents per bushel to 85 cents per bushel; and Whereas the cost of transportation and other expenses from any shipping point in the State of Kansas to Kansas City, Mo., is far less than 20 cents per bushel; and

Whereas it is stated and believed that a combination, agreement, and understanding in restraint of trade exists between certain dealers, concerns, and exporters of wheat in Kansas City, Mo., to depress the purchase price paid for wheat to the producer: Now, therefore, be it

Resolved, That the Secretary of the Department of Commerce report to this body all facts and information in his possession concerning the prices paid for wheat to the producer thereof in the State of Kansas and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

With a committee amendment, as follows:

Strike out the preamble, and on page 2, line 2, after the word "commerce"—

Mr. DOOLITTLE. Mr. Speaker, let the Clerk read the yellow paper.

Mr. MANN. The yellow paper can not be the committee amendment.

The SPEAKER. What is the yellow paper?

Mr. DOOLITTLE. I wish that to be considered in lieu of the reported resolution.

Mr. MANN. Let that be read for information.

The SPEAKER. That is not to be read now.

Mr. MANN. I ask that it be read for information pending a reservation of the right to object.

The SPEAKER. Without objection, the proposed amendment by the gentleman from Kansas [Mr. DOOLITTLE] as a substitute will be read for information.

The Clerk read as follows:

Resolved, That the Secretary of the Department of Commerce is directed to report, if not incompatible with the public interest, to the House of Representatives all facts and information in his possession concerning the prices paid for wheat since June 15, 1914, to the producer thereof in the State of Kansas and the prices at which said wheat has been sold for export by dealers, grain brokers, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, Mr. Speaker, I notice that there are inserted in this resolution, as has become the custom in this Congress in resolutions calling upon Secretaries to report to Congress, the words "if not incompatible with the public interest." It is a new thing in the House and in the Congress to have any such subservency to the chief of a department or a Secretary in the Cabinet. Heretofore Congress has directed them to report without inserting the words "if not incompatible with the public interest," not allowing the opinion of the Secretary to be interjected or permitting him to determine whether it is compatible with the public interest or not. It seems to me that Congress ought to get rid of this subservency right here in the beginning and allow its own judgment to determine, and not the judgment of some man who happens to be in the Cabinet.

Mr. DOOLITTLE. I certainly have no objection to striking out that feature of the resolution. It was only inserted to conform to the custom.

The SPEAKER. The Chair thinks it ought to be stricken out. [Applause.]

Mr. MURDOCK. Reserving the right to object, Mr. Speaker—

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] reserves the right to object.

Mr. MURDOCK. Of course I am in favor of the gentleman's resolution, but I want to ask this question: Was the resolution prepared previous to the outbreak of European hostilities?

Mr. DOOLITTLE. Yes.

Mr. MURDOCK. Does the supplementary resolution which he has presented take that fact into consideration?

Mr. DOOLITTLE. It will cover everything from the 15th of June up until the time that the investigation was made.

Mr. MURDOCK. Of course, wheat is not bringing 63 cents in Kansas now. It is bringing more.

Mr. DOOLITTLE. Yes; but at the time the resolution was prepared it was bringing that amount. It went up the next day after it got into the newspapers.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Reserving the right to object, I should like to inquire why we should specify the conditions in Kansas, when those conditions prevail, I assume, all over the West? In view of the letter sent here by the Secretary of Commerce this morning, would it not be better to have a much broader resolution, investigating the rise of prices of all commodities, rather than just limiting it to the localized spot of the Sunflower State?

Mr. DOOLITTLE. I would have no objection. This is a different matter. The complaints that came to me up to the time of the introduction of this resolution were as to Kansas City. The marketing conditions are what I want investigated in this resolution.

Mr. GREGG. Mr. Speaker, seeing the drift of the gentleman's statement, I shall object.

The SPEAKER. The gentleman from Texas objects.

LEAVE TO EXTEND REMARKS.

Mr. CONNELLY of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. GREGG. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. GREGG. To make the motion that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. POUL. Will not the gentleman withhold that motion?

Mr. GREGG. I will not withhold it, Mr. Speaker.

Mr. MANN. Regular order, Mr. Speaker. I make the point of order that that motion is not in order.

The SPEAKER. The House will be in order. What point of order is it that the gentleman makes?

Mr. MANN. I first asked for the regular order, although I am willing—

Mr. POUL. I want to ask unanimous consent to take up a bill that will not take more than a minute.

Mr. GREGG. I insist on my motion, Mr. Speaker.

Mr. MANN. I insist on the regular order, and make the point of order that the motion of the gentleman from Texas is not in order. The House adopted a rule the other day; I hold in my hand a copy of that rule, and will send it to the Speaker's desk if the Speaker desires it, although I have no doubt the Speaker has a copy of it. The copy of the rule as adopted, and also the copy of the report of the Committee on Rules, provides for the automatic resolving of the House into the Committee of the Whole House on the state of the Union for the consideration of certain bills. The last paragraph of the rule as agreed to by the House, and also the last paragraph of the report of the committee as printed by the House, reads:

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, unanimous consent, or District days, nor with the consideration of appropriation bills, or bills relating to the revenue and the bonded debt of the United States, nor with the consideration of conference reports on bills, nor the sending of bills to conference.

Under that rule, which passed the House, the House is required automatically to resolve itself into the Committee of the Whole House on the state of the Union. Now, the day after that rule was passed my colleague, the gentleman from Illinois [Mr. FOSTER] asked to have the Record corrected by inserting in the paragraph printed in the Record relating to the rule the exception of Friday; but the official document printed by the House, the substitute presented by the committee and passed

by the House—the official document—as well as the report of the committee, officially printed, does not contain that, and a mere correction of the Record would not change that official document.

The SPEAKER. The Chair will read what happened:

Mr. FOSTER. Mr. Speaker, I notice yesterday in the order of business that was adopted that there is inadvertently left out a provision for the exception of business in order on Fridays, and I ask unanimous consent to insert, after the words "District days," the words "and business in order on Fridays."

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, is that in the rule?

Mr. FOSTER. That is in the rule.

Mr. MURDOCK. The gentleman failed to read it.

Mr. FOSTER. It was offered and read.

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I did not hear what the gentleman said.

Mr. FOSTER. I stated that Fridays should be excepted from the order of business to which this rule applies.

Mr. MANN. What the gentleman wants to do is to correct the Record.

Mr. FOSTER. That is all.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, I think undoubtedly the conclusive point in this matter is the Journal. If the Journal shows that Fridays were included in this rule, why, that is the action of the House.

Mr. MANN. There is no doubt about that, but the Journal does not so show.

The SPEAKER. That is true, but the House, by unanimous consent, could change that rule just as easily as it could change anything else; but the interlocutory performance which the Speaker read seems simply to correct the Record.

Mr. FOSTER. Mr. Speaker—

Mr. UNDERWOOD. Mr. Speaker, if the Journal does not show that the rule adopted excluded Fridays, there can be no question that the rule does not include Fridays.

Mr. MANN. The Journal does not so show.

The SPEAKER. Undoubtedly the rule itself cuts out Fridays—that is the printed rule which the gentleman from Illinois [Mr. MANN] has.

Mr. MANN. If the Speaker does not have the official print of it before him, I will be very glad to send it to him.

The SPEAKER. The Chair has the official print, and also the original rule.

Mr. FOSTER. Mr. Speaker, I think if the Chair will look at that rule he will find that after the rule was typewritten it was gone over and any mistake that was made in it was corrected, and it was the intention of the Committee on Rules, and it was so stated at the time, when the Committee on Rules met, that they were to except these various days, including Fridays.

The SPEAKER. Here is a statement of the case. The words "and Fridays" are written into the rule with a lead pencil, and the Clerk says that he read them when he read the rule.

Mr. FOSTER. Mr. Speaker, I think there is no doubt that that is correct, and I think I can call upon the members of the Committee on Rules who will remember it.

Mr. MANN. Mr. Speaker, it seems more than passing strange that the Clerk would print the rule as adopted without that in it, and also print the report of the committee without that in it.

Mr. FOSTER. I think so, too, but I think it was simply a mistake in the printing.

Mr. MANN. Mr. Speaker, it seems to me that when we have a rule adopted and an official print of it, we ought to be bound by that.

Mr. UNDERWOOD. Mr. Speaker, I should like very much to see the gentleman from Texas get up his business under the Friday calendar, but I do not think it would be well for us to make a precedent of not standing by the Journal of the House. That is the official record of the House, and no matter if through a misunderstanding there is a mistake in the Journal, that mistake could have been corrected and should have been corrected, but we ought not to establish the precedent of taking the statements of gentlemen outside of the Journal, or even of papers that are not shown in the Journal, though they may be correct and the Journal incorrect. To do so would carry Congress into a mass of confusion, and there would be no safe basis upon which to stand.

The SPEAKER. There can be no question but that the Journal is the highest authority on what is done in the House.

Mr. UNDERWOOD. Mr. Speaker, it seems to me that that must be conclusive as to the action of the House, regardless of what action the House took.

The SPEAKER. The reason the Chair read the colloquy that occurred was because he wanted the House to understand what had happened. It seems to be absolutely clear that the gentleman from Illinois [Mr. FOSTER] started out to ask unani-

mous consent to change the rule, but wound up on the suggestion of the gentleman from Illinois [Mr. MANN] by asking to change the RECORD.

Mr. MANN. Mr. Speaker, I do not know just what my colleague started out to do, but he and I had a conversation about the matter before the House met, and I understood it was merely a correction of the RECORD.

The SPEAKER. What good was to come of correcting the RECORD?

Mr. MANN. I do not know. I never object to anybody correcting the RECORD in any way he pleases.

Mr. GARNER. Mr. Speaker, where is the Journal? Let us have the Journal read upon the subject.

The SPEAKER. The Chair has sent for the Journal. These things are not printed in full in the Journal.

Mr. GREGG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREGG. If the original rule, as introduced by the Committee on Rules, makes an exception of business in order on Fridays, would not that control, and can not we correct the Journal if it is not correct?

The SPEAKER. But the Journal was approved in due course.

Mr. GREGG. Suppose the Journal is silent, which would control—the rule itself or the Journal? Suppose the Journal does not set it out in full?

The SPEAKER. This is the practice in respect to that: The Journal is read every morning, and if anyone does not think the Journal is correct, the time to correct it is right then and there; and it is often corrected when suggestions are made that it should be corrected. I have seen the Journal corrected here two or three hundred times since I have been in the House; but it is like any other record now. The House could change the Journal and could change that rule by unanimous consent, but it did not do it.

Mr. TOWNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNER. In case the Journal does not set out in full the rule—and I do not know whether it does or not—

The SPEAKER. It does not.

Mr. TOWNER. Then it seems to me, Mr. Speaker, that what was done should be and ought to be made effective, and this is the reason for that: It would not be changing the Journal to change the text of the RECORD, and what was actually done was to change the text of the RECORD, and that was done by unanimous consent. Surely it was then within the power of the House to change the RECORD, as it did, by unanimous consent; and that is in no way challenging the correctness of the Journal. The Journal refers to the rule, but it does not set it out in *hæc verba*, and for that reason the change in the text of the RECORD under the circumstances, as requested by the gentleman from Illinois [Mr. FOSTER], by unanimous consent, was certainly within the power of the House.

Mr. FOSTER. Mr. Speaker, I beg to state that I had a conversation with my colleague the gentleman from Illinois [Mr. MANN] the next day in reference to this rule, when I noticed the omission—it being called to my attention—and I went down to the Clerk's desk after the Journal had been read to see if there was any reference to that matter in the Journal. Not finding any, I then asked that this RECORD be changed accordingly, thinking, of course, that that would probably correct the defect; and that is the matter as it stands, and as it stood at that time. Of course, if the Journal failed to show that, I agree with the gentleman from Alabama [Mr. UNDERWOOD] and others here that we could not, when the Journal has been approved, go back upon it. That is true. I regret the mistake, but it is one of those things that has happened which we could not help; but if the gentleman is willing, I would like to ask unanimous consent that we may except the business in order on Fridays, which it was the intention to do at the time.

Mr. MANN. This is pension Friday. I apprehend that the gentleman from Texas [Mr. GREGG], judging by the documents that he has before him, thinks it is war claims Friday, but it is not.

The SPEAKER. It seems to the Chair it would be a very pestiferous kind of a precedent to make when we have the official print of the resolution and the official print of the report and the Journal and the whole thing, but still if the Chair were exercising any personal predilection he would recognize the gentleman from Texas.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent, if it is in order, that this order may apply so as to except Fridays, so that Fridays shall not be embraced within the terms of the resolution.

Mr. MANN. I would have no objection to excepting Fridays under the rule devoted to claims or war claims, but I do not

know why we should except Fridays devoted to pension business when there is no pension business.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the rule shall except Fridays devoted to claims and war claims under the rules.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the rule which was adopted last Tuesday be so modified as to except business on the Private Calendar on Fridays—

Mr. MANN. Not every Friday.

The SPEAKER. This Friday.

Mr. MANN. With the exception of pension Fridays, there being no pension business on the calendar.

The SPEAKER. The Chair wishes the gentleman from Illinois [Mr. FOSTER] to state over again what he desires.

Mr. FOSTER. I ask unanimous consent that exception be made in this rule to bills reported from the Committees on Claims and War Claims on Fridays under the rules of the House, and bills on the Private Calendar; I think we might want to take up some other bills.

Mr. MANN. The gentleman means coming up on the other days?

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the rule adopted last Tuesday be so extended and amended as to permit the consideration of bills on the Private Calendar—

Mr. MANN. Except the second and fourth Fridays.

Mr. FOSTER. Why not take up those from the Claims Committee?

The SPEAKER. The gentleman from Illinois asks unanimous consent that the rule adopted last Tuesday be so modified as to permit business in order—

Mr. MANN. Except the second and fourth Fridays of the month.

The SPEAKER. On Fridays except the second and fourth. This is the second Friday—

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. On the first and third Fridays what is in order under the rule?

The SPEAKER. Claims and war claims.

Mr. HAY. Mr. Speaker, do I understand the request of the gentleman only includes claims?

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] seems to be endeavoring to get claims considered to-day, and, as far as the Chair could ascertain, the gentleman from Illinois [Mr. MANN] wants to fix it so they would not have to-day. [Laughter.]

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. The Chair, in answer to an inquiry of the gentleman from Georgia [Mr. HOWARD], who inquired what business would be in order on the first and third Fridays, replied, claims and war claims. I would like to ask the Chair if business on the Private Calendar would not be in order from committees other than War Claims and Claims?

The SPEAKER. Not until claims and war claims are disposed of. Here is the rule.

Mr. BURKE of South Dakota. Mr. Speaker, has the Chair recently considered that matter, because there is a ruling by Speaker Henderson that business on the Private Calendar on the first and third Fridays of the month was in order, regardless of what committee reported the bills, and I would ask the Chair not to make a decision at this moment that would be conclusive, because the matter may come up when this calendar is called.

The SPEAKER. In answer to the gentleman from South Dakota, the Chair will state this: Speaker Henderson did make a ruling to which the gentleman refers, and somewhere near the beginning of this Congress the gentleman from Indiana [Mr. ADAIR] was in the chair of the Committee of the Whole House for the consideration of claims, and he ruled the other way, and everybody submitted to it during this whole session; so it seems to the Chair it would be claims—

Mr. BURKE of South Dakota. Do I understand that the present occupant of the Chair made a ruling similar to that ruling?

The SPEAKER. No; the Chair did not do it, but the gentleman from Indiana [Mr. ADAIR] did in the Committee of the Whole, and there is nothing before the Chair to rule on, but the Chair will read this rule:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in

the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday except the second and fourth Fridays the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

Mr. POUL. Mr. Speaker, it would be for the Chairman of the Committee of the Whole to determine the question propounded.

The SPEAKER. That is what the Chair stated. The chief trouble about this special-rule controversy is the shape in which it was reported to the House.

Mr. GARNER. Mr. Speaker, will the Speaker indulge me for just a moment?

The SPEAKER. Yes.

Mr. GARNER. The situation here appears to me in this wise: The Journal does not state in full the rule as passed reported from the Committee on Rules, but only states the amendments which were offered from the floor. Now, the official document printed at the Government Printing Office does not show that it includes Fridays in the operation of this rule.

But the testimony of the Clerk who read this rule is that he read into the rule the word "Friday"; also the original rule shows on its face that the words "and Fridays" had been interlined in pencil. Now, I submit to the Chair that if the Printing Office makes a mistake and the Journal does not show that mistake, whether it occurred at the Printing Office or at the desk, then the original instrument, supplemented by the testimony of the real reading, ought to prevail, or else you permit the Printing Office to make the mistake, and it overrides the action of the House. It seems to me when the Journal does not show specifically what was done, then the original instrument, with the statement of the Clerk as to what was done, should prevail; especially is this true when this is only a House resolution and did not have to be engrossed.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARNER. Certainly.

Mr. MANN. Suppose we pass a bill and the Journal does not show the contents of the bill. Does the gentleman think that we could take a statement, whenever that is officially transmitted, by the Speaker, that that was in there, or was transmitted by the copy of the bill?

Mr. GARNER. It would go on to the Senate, and you could recall it by resolution. This is a special rule directing the House as to the manner of conducting its business. If the Printing Office made a mistake, which they evidently did in this instance—if they failed to print that at the Printing Office—it seems to me we ought not to exclude it here.

Mr. MANN. The Printing Office is not the one that is responsible for the error that is made.

Mr. GARNER. The original rule shows that the word "Fridays" was in it. Who made the mistake, whether the Printing Office or somebody else—

Mr. MANN. Assuming it was written in, and I assume for the purpose of argument that it was—as a matter of fact, I do not have any doubt about it, as anybody can write in something, a line or a word, in a rule, or in any other document if advisable—are we to trust to a thing of that kind instead of to the official copy? Where would we end if we did it? Now, I do not question the statement of my colleague about it at all.

Mr. GARNER. Why, if the gentleman from Illinois [Mr. MANN] will permit, here is the situation:

If it were a bill, of course you could recall it and change it if in the engrossed copy there was an error. This is merely a direction of the House, and this is the first time the question has come up as to the correction of the printed copy and a different status than a matter merely directing the proceedings in the House and one proposed to be put on the books as law.

Mr. MANN. Here is the rule as printed:

Mr. FOSTER reported the following substitute for House resolution 536, which was agreed to.

The substitute resolution was set out. This is an official print. Are not the Members of Congress and the House entitled to rely upon the official print as to what can come up and what does come up in the House? Even supposing there was an error, are we not bound by it at present?

Mr. PAGE of North Carolina. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAGE of North Carolina. Granting the acceptance of the print in the Record, by what right does the Committee on War Claims ask for this day which, under the rule, is for consideration of pensions?

The SPEAKER. The rule simply provides that preference shall be given on certain Fridays to pensions. In the first place,

this print which the gentleman from Illinois has and the one that the Speaker has were never printed until after the rule was adopted. The print was not the thing that the House was considering. The operation about a report from the Committee on Rules differs from every other one in the fact that it is never printed; that is, generally. Now, here is what happened: The Chair has been trying to piece it together for the last half hour. The Journal simply recites that a certain rule was adopted, that a certain amendment was offered, and a certain rule was adopted as amended. That is all that the Journal ever shows. The Journal does not undertake to set out these things. Now, in the original typewritten copy of the rule as adopted the words "and Fridays" appeared. It is true they were written in. The Clerk said he read them in. This printed copy we have here is simply a reproduction in a different kind of type and in a different shape of what was in the Record. The Record prints the resolution in full. Through somebody's mistake—the Chair does not know whose mistake—the words "and Fridays" were left out of the rule as printed in the Record and, consequently, as printed in this separate bill. On Wednesday this colloquy took place:

Mr. FOSTER. Mr. Speaker. I notice yesterday in the order of business that was adopted that there is inadvertently left out a provision for the exception of business in order on Fridays, and I ask unanimous consent to insert, after the words "District days," the words "and business in order on Fridays."

After a good deal of conversation, that was agreed to. Evidently the gentleman from Illinois [Mr. FOSTER] was trying to get his rule agreed to as he reported it here originally.

And the House, if it understood what was being said—sometimes there is so much noise that it can not—must have understood that the gentleman from Illinois [Mr. FOSTER] was trying to get that rule as it appeared in the Record, and consequently appeared in this separate print, fixed the way he sent it up here to the Clerk's desk to be reported.

That being the case, the Chair recognizes the gentleman from Texas [Mr. GREGG].

Mr. MANN. Mr. Speaker, I ask for the regular order, which, under the rules, is consideration of business on the Speaker's table.

The SPEAKER. What business is there on the Speaker's table that anybody wants to consider?

Mr. POUL. I have a little bill there that I want to consider.

Mr. GREGG. Am I recognized, Mr. Speaker?

The SPEAKER. The Chair will recognize the gentleman from Texas in due time. Has the gentleman from North Carolina [Mr. POUL] the bill on the Speaker's table?

NAVY CLAIMS AGAINST GOVERNMENT.

Mr. POUL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14685, with Senate amendment, and agree to the Senate amendment.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill H. R. 14685, with Senate amendment, and agree to the Senate amendment. The Clerk will report the title.

The Clerk read as follows:

H. R. 14685. An act to satisfy certain claims against the Government arising under the Navy Department.

The Senate amendment was read.

Mr. POUL. Mr. Speaker, I ask that it be taken from the Speaker's table and that the House agree to the Senate amendment.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take the bill from the Speaker's table and agree to the Senate amendment.

Mr. FARR rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. FARR. Reserving the right to object, Mr. Speaker, a little while ago I asked unanimous consent for the consideration of the resolutions to investigate the increase in the prices of foodstuffs, and objection was made by gentlemen on that side to that request for unanimous consent. Now, in view of the fact that these resolutions concern vitally 100,000,000 of people, and that the prices of foodstuffs are soaring every day, it does seem to me that the request submitted by the gentleman from North Carolina [Mr. POUL] can be deferred at least until such time as we shall have acted on the other vastly more important question.

The SPEAKER. Is there objection?

Mr. STAFFORD. I reserve the right to object, Mr. Speaker.

Mr. HOWARD. Mr. Speaker, reserving the right to object—

Mr. FARR. I desire to interrogate the gentleman from North Carolina as to how long it will take to consider this matter?

Mr. POUL. About one minute.

Mr. FARR. Then I shall not object.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire whether this claim has ever been passed upon by the House Committee on Claims and reported in a bill by the House committee?

Mr. POUL. It has not been. It was an amendment added in the Senate, but it has been carefully investigated by the Navy Department.

Mr. MURDOCK. If it is going to take only a minute, will the gentleman explain what the bill does?

Mr. POUL. This bill that the Navy Department presented is to liquidate certain claims that the Navy Department admits exist against the Government. This is just one of those claims.

Mr. MURDOCK. What was the instance or the origin of the claim?

Mr. POUL. It is to pay the owners on May 12, 1913, of the steamer *Annie* for damages arising out of the collision between their steamer and the United States ship *C-5* in the southern branch of the Elizabeth River, off the navy yard at Norfolk, Va.

Mr. MURDOCK. Ship *C-5* is an American war vessel?

Mr. POUL. Yes. It has all been gone over carefully by the Navy Department.

Mr. MURDOCK. What is the amount involved?

Mr. POUL. Five thousand nine hundred and sixty-nine dollars and thirty-five cents.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

T. S. WILLIAMS.

Mr. POUL. Now, Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1055) for the relief of T. S. Williams, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

H. R. 1055. An act for the relief of T. S. Williams.

Mr. POUL. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the amendment.

The Senate amendment was read.

The SPEAKER. The gentleman from North Carolina [Mr. POUL] asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, may I ask the gentleman if there is just one claim in this bill?

Mr. POUL. Yes; just the one claim.

Mr. MANN. The difference between three hundred and odd dollars and something less.

Mr. POUL. Yes. The difference between three hundred and odd dollars and \$47.17.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. POUL, Mr. STEPHENS of Mississippi, and Mr. SCOTT.

EXTENSION OF REMARKS.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the Cincinnati Post on the extension of the American merchant marine.

The SPEAKER. The gentleman from Ohio [Mr. ALLEN] asks unanimous consent to extend his remarks by the insertion of the article named. Is there objection?

There was no objection.

CALL OF THE HOUSE.

The SPEAKER. Has any other gentleman a bill on the Speaker's table that he wants to be considered now?

Mr. MANN. If not, Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-seven Members are present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Driscoll	Kennedy, R. I.	Patten, N. Y.
Anthony	Elder	Kent	Patton, Pa.
Ashbrook	Esch	Kless, Pa.	Peters, Me.
Aswell	Estopinal	Kinhead, N. J.	Peterson
Austin	Fairchild	Kawland, J. R.	Pheasant
Avis	Falcon	Konop	Platt
Barchfeld	Ferris	Korbly	Porter
Bartholdt	Fess	Kreider	Post
Bartlett	Fields	Lafferty	Powers
Beall, Tex.	Finley	Langham	Ragsdale
Bell, Ga.	Flood, Va.	Langley	Rainey
Borland	Fordney	Lazaro	Reilly, Conn.
Bowdle	Francis	L'Engle	Riordan
Brodbeck	Frear	Lenroot	Sabath
Broussard	Gard	Lewis, Pa.	Saunders
Brown, N. Y.	Gardner	Lindbergh	Sherley
Browne, Wis.	George	Lindquist	Sherwood
Browning	Gillett	Linthicum	Shreve
Bruckner	Gittins	Loft	Slemp
Bulkley	Glass	Logue	Small
Burke, Pa.	Godwin, N. C.	McAndrews	Smith, Md.
Calder	Gordon	McClellan	Smith, J. M. C.
Callaway	Gorman	McGillcuddy	Smith, N. Y.
Campbell	Goulden	McGuire, Okla.	Stanley
Cantrill	Graham, Ill.	McKenzie	Steenerson
Carew	Graham, Pa.	Madden	Stephens, Miss.
Carter	Griest	Mahan	Stephens, Nebr.
Chandler, N. Y.	Griffin	Maher	Stephens, Tex.
Clark, Fla.	Gudger	Manahan	Stevens, N. H.
Connolly, Iowa	Hamilton, Mich.	Martin	Stringer
Copley	Hamilton, N. Y.	Merritt	Switzer
Covington	Hardwick	Metz	Taggart
Cramton	Hart	Montague	Taylor, Ala.
Crisp	Hayes	Moore	Taylor, N. Y.
Crosser	Hellin	Morgan, La.	Thompson, Okla.
Dale	Henry	Morin	Treadway
Danforth	Illads	Moss, Ind.	Tuttle
Davenport	Hobson	Mott	Underhill
Decker	Houston	Murray, Okla.	Vare
Deitrick	Howell	Neeley, Kans.	Vollmer
Dershem	Hoxworth	Neely, W. Va.	Walker
Dickinson	Hughes, Ga.	Nelson	Wallin
Dies	Hughes, W. Va.	Norton	Watkins
Difenderfer	Hullings	O'Leary	Weaver
Dixon	Jacoway	Padgett	Willis
Dooling	Johnson, S. C.	Palmer	Winslow
Doremus	Kennedy, Conn.	Parker	Woodruff

The SPEAKER. On this call 243 Members, a quorum, have responded to their names.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

PRIVATE CALENDAR.

Mr. GREGG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. HAY] will take the chair.

Mr. HAY. I will state, Mr. Speaker, that there are a great many bills on the Private Calendar that come from my committee.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CARLIN in the chair.

The CHAIRMAN. The Clerk will report the first bill.

Mr. GREGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREGG. What bills have precedence or preference today, if any?

Mr. MANN. That is provided by Rule XXIV, paragraph 6.

Mr. STAFFORD. Page 400.

Mr. MANN. Page 400 of the Manual.

The CHAIRMAN. Pension bills would have precedence, but as there are no pension bills on the calendar all bills on the Private Calendar would seem to have the same footing.

Mr. MANN. Evidently the Chair did not read the rule carefully. It provides that—

On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion.

The CHAIRMAN. None of those bills seem to be on the calendar.

Mr. MANN. The Chair is not correctly informed. There are a large number of them on the calendar, and they will probably take the day for their consideration.

Mr. RUSSELL. There are no pension bills, but other bills referred to in the rule.

The CHAIRMAN. The Chair was mistaken. There are some bills on the calendar from the Military Affairs Committee.

That being the case, the Military Affairs Committee will have the right of way.

Mr. MANN. Either the Committee on Military Affairs or the Committee on Naval Affairs, as to bills of that character; not as to any other character of bills.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I direct the attention of the Chairman to the bill, No. 220 on the Private Calendar, a bill from the Committee on Claims, granting the pension claim of Dr. Joseph Hunter, and I wish to inquire whether that bill should not be given precedence under the rule? The rule says that preference shall be given to the consideration of private pension claims. This bill is a private pension claim, to reimburse Dr. Joseph Hunter for a pension that was withheld from him during certain years. I think that bill is entitled to precedence, if there are no other pension bills to be reported from the Committee on Pensions or the Committee on Invalid Pensions.

The CHAIRMAN. The Chair will examine the bill.

Mr. HOWARD. Mr. Chairman, in reply to the parliamentary inquiry of the gentleman from Wisconsin [Mr. STAFFORD], I desire to state that that bill is not in the nature of a private pension claim. It is in reality a claim against the Government, reported from the Committee on Claims, by virtue of the fact that a pension which he claims to have been unlawfully or illegally withheld from him during certain years was not paid by the Government. It is a bill reported from the Committee on Claims, and I submit that under the rule it would not have precedence, because it is on all fours with any other claim for the payment of money out of the Treasury of the United States.

The CHAIRMAN. The Chair is examining the bill.

Mr. STAFFORD. If the Chair will permit me, I call the attention of the Chair to the fact that the rule does not limit it to bills reported from the Committee on Pensions or the Committee on Invalid Pensions, but the rule is general in its phraseology, and says that preference shall be given to the consideration of private pension claims, and this bill that I refer to—H. R. 2344—is a bill granting a pension claim of Joseph Hunter. Now, whether it is a continuing pension claim, or whether it is for a deferred pension claim, it is a private pension claim within the phraseology of the rule. I can not see how the Chair can rule otherwise than that this bill is entitled to precedence under that phraseology.

The CHAIRMAN. The Chair does not agree with the gentleman. This is a bill for the payment of a specific sum of money which should have been allowed under a certain pension, and not a pension bill within the meaning of the rule.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. Under the parliamentary status will any other bills be considered except bills relating to pensions?

The CHAIRMAN. They are to be considered in the order provided by the rule, which says that—

On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion.

There are bills of that character on the calendar.

Mr. FOWLER. Will there be any other bills considered except those enumerated by the chair?

The CHAIRMAN. Not until they are disposed of.

Mr. GOLDFOGLE. A parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state it.

Mr. GOLDFOGLE. Following the rule just read by the Chair, I desire to ask further, when the bills referred to in the general rule are disposed of—if they are all disposed of to-day—if claim bills may then be considered?

The CHAIRMAN. Bills will then be taken up in their order on the calendar, and claim bills will be considered after these other bills are disposed of, unless in the meantime the committee should determine to rise.

Mr. GOLDFOGLE. All right.

Mr. HOWARD. Mr. Chairman, I want to catch the purport of the Chair's ruling. Does the Chair hold that after these bills to correct military records are disposed of, then claims and other bills on the Private Calendar will be considered?

The CHAIRMAN. Under the motion we are in Committee of the Whole for the consideration of business on the Private Calendar, and bills will be taken up in the order mentioned in the rule. The Clerk will report the first bill.

SANFORD F. TIMMONS.

Mr. HAY. Mr. Chairman, I think the bill on the Calendar removing the charge of desertion is Calendar No. 321, H. R. 15735, to correct the military record of Sanford F. Timmons.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Sanford F. Timmons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company C, Forty-third Regiment Ohio Volunteer Infantry, on September 8, 1863.

Mr. MANN rose.

Mr. HAY. Mr. Chairman, I will state to the gentleman from Illinois that I am not in a position to give him any information about this bill. It was considered by a subcommittee and reported by that committee. There seems to be quite a full report upon the bill and I will ask the Clerk to read the report, if the gentleman desires it.

Mr. MANN. I am perfectly willing to have the Clerk read the report.

Mr. HAY. Then, Mr. Chairman, I ask that the Clerk read the report in my time.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 15735) to correct the military record of Sanford F. Timmons, having considered the same, report thereon with a recommendation that it do pass.

The record shows that Sanford F. Timmons was enrolled April 28, 1861, and was mustered into service to date the same day, as a sergeant of Company I, Thirteenth Ohio Infantry Volunteers, to serve three months. He reenlisted June 19, 1861, and was mustered into service on the same day, as first sergeant, Company I, Thirteenth Ohio Infantry Volunteers, to serve three years. He was promoted to be second lieutenant, and is recognized by the War Department as having been in the military service of the United States as second lieutenant, same company and regiment, from June 13, 1861. He was honorably discharged the service as second lieutenant on tender of resignation in special orders from headquarters, Army of Occupation, Western Virginia, dated September 24, 1861.

The records also show that Sanford F. Timmons was mustered into service to date December 19, 1861, as first lieutenant of Company G, Forty-third Ohio Infantry Volunteers. He was promoted to be captain, same company and regiment, and is recognized by the War Department as having been in the military service of the United States, as such, from April 9, 1862. He was dismissed from the service of the United States as captain in general orders from headquarters Sixteenth Army Corps, dated September 8, 1863, to take effect September 3, 1863, for tendering his resignation on the grounds of opposition to the policy of the administration. The dismissal was confirmed by direction of the President in special orders from this department, dated June 3, 1864.

Mr. HAY (interrupting the reading). Mr. Chairman, I see from the reading of the report that this is not a desertion bill.

Mr. MANN. It is practically a desertion bill, is it not?

Mr. HAY. No; it is a court-martial bill. The man is not charged with desertion, and for that reason it is not in order.

The CHAIRMAN. The Clerk will report the next bill.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Where a bill comes up and is reported by the Clerk and debate ensues upon it, no point of order having been reserved, can it then be set aside? I am perfectly willing that it should be, but I just make the inquiry to ascertain what the rule is.

Mr. HAY. I suggest to the gentleman—

Mr. MANN. Oh, I am not raising the question as to whether it is entitled to consideration, but having been reported and having been debated, can some gentleman—myself, for instance—hereafter casually say to the Chair that it is not a desertion bill and thereby deprive the bill of further consideration?

The CHAIRMAN. The Chair thinks the bill is before the committee. The report having been read in the gentleman's time and debate having been begun, the bill is now before the committee.

Mr. MANN. I am sorry the Chair could not rule the other way, but I think that that is the correct ruling.

The CHAIRMAN. By unanimous consent it can be withdrawn.

Mr. HAY. Does the Chair hold, when a point of order is made against the consideration of a bill, when it is disclosed that it is not in order under the rule, that the fact that debate has occurred on the bill makes it in order?

The CHAIRMAN. The fact is that the committee had begun to debate the bill. The bill was laid before the committee for its consideration and the committee had begun its consideration, and debate had been started.

Mr. HAY. Then the Chair holds that the point of order came too late?

The CHAIRMAN. Exactly. If the gentleman wishes the bill withdrawn, it can be withdrawn by unanimous consent.

Mr. HAY. I am not asking to have it withdrawn.

The CHAIRMAN. Then the Chair recognizes the gentleman from Virginia.

Mr. HOWARD. Mr. Chairman, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. The gentleman from Virginia made the point of order that under the rule which gave preference to a certain character of bills on the Private Calendar, this particular bill, not being a bill in that class, was, therefore, not in order. There was no way for the membership of the House to have disclosed to it whether or not the bill was of the particular character which made it in order until the bill was read. The bill itself did not show the technical character of the bill, and the report was read. The report showed that it was not of the character of bill that is privileged. Does the Chair now hold that because of that particular presentation of the bill, that this bill shall therefore have the right of way, when it is outlawed under the rule, over bills that are in order?

The CHAIRMAN. It is because the gentleman's statement, which the Chair considers in the nature of raising the point of order, came too late. The Clerk will conclude the reading of the report.

The Clerk read as follows:

The service of Capt. Timmons was in every way honorable, he having arisen to the rank of captain solely by his own merit in the performance of the duties intrusted to him, and he once tendered his resignation to Gen. U. S. Grant, who replied in writing: "Good officers can not be spared the service. Capt. Timmons may have 30 days' leave of absence." A short time after this a controversy arose between Capt. Timmons and the colonel of his regiment, Wager Swane, concerning the merits of the political candidates for governor of Ohio, and it was upon the expression of the individual political preference of Capt. Timmons that the question was made as to his opposition to the policy of the national administration.

He was dismissed from the service, to take effect September 3, 1863, and was kept under arrest for six weeks without any charges or specifications, then sent north under guard to Cairo, Ill., and released there by the commanding officer.

He never had a trial, and it is the opinion of the committee that the punishment heretofore inflicted upon him was so done without any reason, and that the only offense that Capt. Timmons was guilty of was that he expressed an individual preference for a certain political candidate against another political candidate, and therefore the committee believes that he should hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company C, Forty-third Ohio Volunteer Infantry, on September 8, 1863.

Mr. HAY. Mr. Chairman, I have no further remarks to make about the bill.

Mr. MANN. Mr. Chairman, I would like to be heard for a few moments.

Mr. HAY. How much time does the gentleman desire?

Mr. MANN. Well, I will take an hour.

Mr. HAY. But I have not yet yielded the floor.

Mr. MANN. I am quite willing that the gentleman shall keep the floor.

Mr. HAY. Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I very much regret that the point of order made by the gentleman from Virginia [Mr. HAY] came too late as to this bill, because I do not think the bill ought to be passed; but under the circumstances, if the Chair had not held that the point of order came too late, there would have been inextricable confusion in relation to subsequent bills, I fear.

It is to be noted in reference to this bill that it was not sent to the War Department for any report upon it. It is impossible for Congress or for committees to learn, without access to the records of the War Department, all of the facts in relation to any matter concerning the Army during the Civil War, or, for that matter, at other times. I do not know what the fact may be, whether the committee acted upon purely ex parte statements prepared in behalf of the claimant in this case. But I suppose from the fact that there is nothing in the report of the committee to show that this bill was ever considered by the War Department, or information asked from the War Department, the committee may possibly have been led, contrary to its usual practice, to act upon ex parte statements.

What are these statements? It appears from the report of the committee that the claimant, Sanford F. Timmons, was enrolled on April 23, 1861, and was mustered into the service on the same day as a sergeant of Company I, Thirteenth Ohio Infantry Volunteers, to serve three months. He then patriotically reenlisted on June 19, 1861, and was mustered into the service on the same day as first sergeant of Company I, Thirteenth Ohio Infantry Volunteers, and served three years. He was promoted to be second lieutenant, and is recognized by the War Department as having been in the military service of the United States as second lieutenant of the same company and regiment from June 13, 1861. He was honorably discharged the service as second lieutenant on tender of his resignation in special orders from the headquarters, army of occupation, western Virginia, dated September 24, 1861.

He was mustered into service to date December 19, 1861, as a first lieutenant of Company G, Forty-third Ohio Infantry Volunteers. This was the third enlistment up to December 19, 1861. He was promoted to be captain, same company and

regiment, and is recognized by the War Department as having been in the military service of the United States as such from April 9, 1862. He was dismissed from the service of the United States as captain in general orders from headquarters Sixteenth Army Corps, dated September 8, 1863, to take effect September 3, 1863, for tendering his resignation on the grounds of opposition to the policy of the administration. The dismissal was confirmed, by direction of the President, in special orders from this department, dated June 3, 1864. This man, after having enlisted three times in the course of a few months, and having been promoted to be captain, because he did not agree with the policy of President Lincoln, tendered his resignation. There is nothing to show what he said to the department, because we have not asked for the record from the War Department, but he must have stated in his resignation his reason for it, that he resigned because he was opposed to the policy of President Lincoln. At that time the very life of the Nation stood in the balance. There was a political campaign on, and this man, who now claims that he wanted to help save the Union, because he did not agree with some part of the policy of President Lincoln, wanted to turn his back to the enemy instead of fronting them with his face, and resigned and gave that as a reason, and they very properly dismissed him instead of accepting his resignation. There is not an army on earth that maintains any discipline that permits a subordinate officer to resign because he does not approve the commands of his superior officers or the policy of the Government which he is in the army to support when he offers that as a reason.

Now, the report states, and very likely it is true, that the service of Capt. Timmons was in every way honorable, he having risen to the rank of captain solely by his own merit in the performance of duties intrusted to him, and he once tendered his resignation to Gen. U. S. Grant, who replied in writing:

Good officers can not be spared the service. Capt. Timmons may have 30 days' leave of absence.

It seems, notwithstanding his efforts to prove now how anxious he was to preserve the Union, that he tried to get out of the Army before. The report states that "a short time after this a controversy arose between Capt. Timmons and the colonel of his regiment, Wager Swane, concerning the merits of the political candidates for governor of Ohio, and it was upon the expression of the individual political preference of Capt. Timmons that the question was made as to his opposition to the policy of the national administration." Well, that is his side of the tale. We do not have the other side of the tale, and we do not have a statement from the War Department as to the real facts in the case. "He was dismissed from the service, to take effect September 3, 1863, and was kept under arrest for six weeks without any charges or specifications, then sent North, under guard, to Cairo, Ill., and released there by the commanding officer." I do not know where he was when he tendered this resignation because he did not agree with President Lincoln's policy, but he was somewhere south of Cairo, and was kept under arrest for six weeks and sent, under guard, to Cairo because they were afraid that he would give comfort to the enemy. The committee says further that "he never had a trial; and it is the opinion of the committee that the punishment heretofore inflicted upon him was so done without any reason, and that the only offense that Capt. Timmons was guilty of was that he expressed an individual preference for a certain political candidate against another political candidate, and therefore the committee believes that he should hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company C, Forty-third Ohio Volunteer Infantry, on September 8, 1863." Why, that was not his offense at all, expressing an individual preference for a political candidate. The offense was that in the face of the enemy he tendered his resignation, for the reason that he did not agree with his commanding officer. If he had been tried, he would have been shot. The committee say that he never had a trial. Well, it is very lucky for him that he did not. They put him under arrest for six weeks, sent him North under guard, to be sure that he was kept out of the enemy's country. He was allowed to associate with a number of other very good people who did not believe that the Union ought to be preserved, who did not believe in Lincoln's administration.

They were at home; they had every right to their opinion and to their preference, but the man who enlisted in the Army and was an officer in the Army had no right to an opinion that his commanding officers were wrong and to express an opinion in the form of a resignation from the Army and have it accepted. He had sworn to fulfill the duties of his office, and one of them was to obey orders. He did more damage by his action than he would have done if he had deserted from the Army to begin with or if he had gone with the enemy at first. It was the

traitorous conduct of such men as he which prolonged the war for years. I can see no reason why a man who does a thing like this should escape the responsibility. It is always unfortunate when any person makes a mistake in life, but a man who makes a mistake can not always correct it. The man who slips and breaks his leg, his leg is broken; he may wish all he please that he had not slipped, but the leg has been broken. This man can not escape, except by a vote of a Democratic Congress, the result of his treasonable conduct. I do not think he ought to receive any honorable discharge and be placed upon the pension rolls and given a tribute to his conduct in showing his feeling against Lincoln's administration.

Mr. KIRKPATRICK. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will.

Mr. KIRKPATRICK. Is it not a fact that this man, Capt. Timmons, championed the cause of one Clement C. Vallandigham, who had been found guilty and banished beyond the Confederate lines?

Mr. MANN. I understand that to be the fact.

Mr. KIRKPATRICK. That is true.

Mr. MANN. I reserve my time, Mr. Chairman.

Mr. HAY. Mr. Chairman, I ask unanimous consent that this bill be passed by. The gentlemen interested in it are not here, but are detained in their homes, and I think it would be fair to them to have the bill passed over; so I ask unanimous consent to have that done.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the bill be passed over without prejudice.

Mr. MONDELL. Mr. Chairman, reserving the right to object, I want to make just this observation. I do not think it is fair to the House on the part of any committee to present a matter to the House proposing to change an official record without giving the House the benefit of a statement of that official record. The report on this bill and a number of other bills reported and on this calendar contains statements which we must assume are accurate, because they are made by the Member reporting the bill, and yet how much stronger they would be, how much more convincing the statement would be, if supported in every detail by the official record! And where a committee refers to official records it seems to me the committee should place those records before Congress for its consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. HAY] that this bill be passed without prejudice?

There was no objection.

JOHN MITCHELL.

The next business in order on the Private Calendar is the bill (H. R. 12161) to remove the charge of desertion against John Mitchell.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against John Mitchell, late of U. S. gunboat *Oriole*, and issue to him an honorable discharge from the Navy of the United States.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against John Mitchell, who served in the U. S. S. *Great Western*, *Oriole*, and *Huntress*, and to issue to the said John Mitchell, or in case of his death to his heirs or other legal representatives, a certificate of discharge: *Provided*, That no pay or bounty for any period of time during which the said John Mitchell was absent from his command without leave of absence shall accrue or be payable by virtue of the passage of this act."

Mr. WITHERSPOON. Mr. Chairman, this bill was recommended by the Committee on Naval Affairs to the House to be passed under this state of facts: John Mitchell enlisted in the United States Army in 1861 for two years and served his time and had received an honorable discharge. In March, I believe, in 1865, he enlisted in the Navy and served until August, 1865, when he deserted. Now, under the general law the Secretary of the Navy had the authority to remove the charge of desertion from one who had deserted from the Navy, provided he had served six months in the Navy prior to the 1st of May, 1865. This young man had not served a sufficient length of time in the Navy to authorize the Secretary to remove the charge of desertion, but he had served much longer than was required in the Army, and he asks by this bill to be given the benefit of his service in the Army; and the committee took that view of it and reported the bill to the House with the recommendation that it pass. I think the gentleman from Wisconsin [Mr. REILLY] can explain the fact to the House more fully.

Mr. MANN. Mr. Chairman, this bill brings up a very interesting proposition. For years, I think, after I came here we

passed bills occasionally that removed the charge of desertion, and the rules provide for giving preference to bills to remove the charge of desertion. Some years ago when Gen. Ainsworth was at the head of the Record and Pension Office in the War Department, if that was the title, he reached the conclusion—and other gentlemen connected with the War Department—that Congress could not alter a fact. We might write history as we pleased, but we could not change facts. We might say that the Federals or the Confederates won at some battle which was not according to history, but that would not alter the fact; that the fact would remain that the one who had won did so regardless of what Congress might say. And when a man had deserted and the record showed he deserted, we could not change the fact of his desertion. The fact existed.

Mr. WITHERSPOON. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. WITHERSPOON. It is self-evident that we can not change a fact, but I observed that this House spent one entire day doing nothing else than removing the charge of desertion against men who had had that charge standing against them for half a century.

Mr. MANN. I do not remember that day.

Mr. WITHERSPOON. I remember it. It made a profound impression upon my mind. The object of it was to permit them to draw pensions. Now, while we can not change a fact we can put this man in a position where he can get a pension.

Mr. MANN. I was reciting to the House not my conclusions but the conclusions of the War Department. The War Department reached that conclusion after full consideration and deliberation, and the result of it was that the President commenced to send veto messages to Congress, and they vetoed not a great many bills but all the bills that were passed in that form. And the result of that was that the Committee on Military Affairs adopted a new form of bill, that wherever a Member of the House had introduced a bill to remove a charge of desertion the Committee on Military Affairs, for a number of terms of Congress, if it reported the bill at all, reported striking out all after the enacting clause and inserting a provision something like this—and I am reading from a bill now before the House:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: *Provided*, That no pension shall accrue prior to the passage of this act.

That became the settled policy of the administration and of Congress. There were not many of these bills before the Committee on Naval Affairs. I do not recall any in recent years, I think, until I ran into this one, although I may be mistaken about that. It became the settled policy. Once in a while the Committee on Military Affairs, in reporting a bill into the House for the removal of the charge of desertion, through some one's inadvertence, has not had the amendment printed into the bill, and in every such case that has come up in recent years, when the bill was reached for consideration in the House, the Committee on Military Affairs or the gentleman in charge of the bill offered the amendment on the floor, because it was the settled policy of both the administration and Congress that these bills should not pass with the idea that Congress could change a fact and say that a man had not deserted when the facts showed that he had deserted, and that they could not alter the records, and also the settled policy of the administration to veto such bills.

Mr. BURKE of Wisconsin. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Certainly.

Mr. BURKE of Wisconsin. Is there any way in which a charge of desertion that has been entered upon the records by mistake against a soldier or sailor can be corrected?

Mr. MANN. I beg to say that I am not going to offer any individual opinion of mine on the subject, and I have not yet offered one. I have not expressed any opinion on the subject. I do not know. But that has been the position of the administration for a number of terms, and the position of the War Department, and the position which Congress has taken in the legislation which it has enacted. Whether it is right or wrong I do not know.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield.

Mr. McKELLAR. Did not that position of the War Department grow out of the fact that in about 99 per cent of the cases

the desire was to enable the applicant to obtain a pension from the Government?

Mr. MANN. Well, I presume that very likely that is pretty close to the fact, if not the absolute fact. Whatever the reason may have been, it was a policy established after a good deal of consideration. We had a number of veto messages sent to Congress on the subject. Now comes along a bill, referred to the Committee on Naval Affairs, and the Committee on Naval Affairs is not subject to criticism in anything that I say. That bill provides:

That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against John Mitchell, late of U. S. gunboat *Oriole*, and issue to him an honorable discharge from the Navy of the United States.

If that bill had been a bill to remove the charge of desertion in the Army, and had been referred to the Committee on Military Affairs, and that committee had desired to report it favorably, it would have stricken out all after the enacting clause and inserted a provision giving the man rights under the pension laws and other laws without affecting the charge of desertion. The Committee on Naval Affairs, in reporting the bill, has stricken out all after the enacting clause, but has inserted this provision:

That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against John Mitchell, who served in the U. S. S. *Great Western*, *Oriole*, and *Huntress*, and to issue to the said John Mitchell, or in case of his death to his heirs or other legal representatives, a certificate of discharge: *Provided*, That no pay or bounty for any period of time during which the said John Mitchell was absent from his command without leave of absence shall accrue or be payable by virtue of the passage of this act.

This amendatory or substitute provision reported by the committee was reported upon the recommendation of the Secretary of the Navy, who furnished the language, and we shall soon be in this anomalous position—if this bill is passed and the President signs it—that if a bill passes through the Committee on Naval Affairs to remove a charge of desertion from the Navy, the President, on the recommendation of the Secretary of the Navy, will sign it; but if an identical bill, in identical form, to remove a charge of desertion from the Army should pass the House and the Senate and go to the President, the President, on the recommendation of the War Department, will veto it on the ground that the Congress can not do it. I think we ought to have some fixed policy on the subject, and not leave it to that haphazard. What does my friend from Mississippi [Mr. WITHERSPOON] think of it? Or has he paid any attention to this matter at all?

Mr. WITHERSPOON. So far as I am concerned, I am personally opposed to all pensions, and opposed consequently to all bills whose object it is to secure pensions. But the House has to my certain knowledge done this very same thing a number of times. As I said before, I saw the House spend one entire day doing nothing else than removing the charge of desertion from the records of soldiers, all for the purpose of putting them on the pension roll.

Now, in this man's case he had this additional claim, that if his service had been altogether in the Navy, instead of partly in the Navy and partly in the Army, the Secretary of the Navy could have removed the charge of desertion without appealing to Congress.

Mr. MANN. Well, I do not like to put my recollection up against the recollection of the gentleman from Mississippi; but I watch the proceedings of the House very closely, and I undertake to say that we have not passed a bill to remove the charge of desertion while the gentleman from Mississippi has been a Member of the House.

Mr. WITHERSPOON. That seems to raise a conflict between the gentleman and myself.

Mr. MANN. Well, it is a conflict that I think will not exist when I have gone a little further. The gentleman has in mind bills which come under the provision of the rule to remove charges of desertion, but these bills are to grant the right of pensions and other rights which honorably discharged soldiers have, without removing the charge of desertion.

I will ask the gentleman from Tennessee [Mr. McKELLAR], who is, I believe, the chairman of the subcommittee of the Military Affairs Committee that has charge of these matters, and who handles most of these bills from that committee, whether he knows of any bills to remove the charge of desertion which we passed coming from the Military Committee?

Mr. McKELLAR. No. Our committee has adopted the plan since I have been chairman of the subcommittee—and, as a matter of fact, I do not think any were reported before I became chairman of the subcommittee—but we adopted this year the plan of striking out everything after the enacting clause, regardless of how the bills are drawn, unless they are drawn according to our formula, and simply putting the applicant on

a pensionable status, with the provision that no back pay, bounty, or back allowance of any kind shall be allowed.

Mr. MANN. I understand also—and the gentleman will probably know—that the Senate follows the same practice, in the main at least.

Mr. McKELLAR. No. The Senate undertakes to follow that with amendments to nearly all of their bills that leave out the proviso about back pay, and frequently they run the gantlet here.

Mr. MANN. They do not pass bills to remove the charge of desertion any more?

Mr. McKELLAR. I think not.

Mr. REILLY of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. REILLY of Wisconsin. Perhaps I can throw some light on how the change in the ruling of the Navy Department to which the gentleman from Illinois [Mr. MANN] has referred came about.

In 1911 a similar bill was introduced in this House for the relief of John Mitchell, and was referred to the Committee on Naval Affairs. The Committee on Naval Affairs referred the bill to the Secretary of the Navy for a ruling, and the Navy Department, through the Assistant Secretary, gave an opinion to the effect that the records of the Navy Department could not and should not be changed; that a compliance with the bill would require an altering of the historical records of the department, which should be kept inviolate; and the said Assistant Secretary of the Navy suggested the enactment of such a bill as has been outlined by the gentleman from Illinois [Mr. MANN].

When this bill was introduced in this Congress it contained the words "honorable discharge." The bill took the usual course from the Committee on Naval Affairs to the Navy Department for an opinion. It was suggested to the authorities in the Navy Department that while a former Assistant Secretary of the Navy had ruled that a bill in the language and form in which this bill was when it was introduced should not be passed, because the records of the Navy Department should not be altered and should be kept inviolate, that a great many of the records of the Navy Department had been changed in the removal of the charges of desertion from the records of the Navy Department pursuant to a law passed by Congress in 1888.

The Secretary of the Navy replied to the Naval Committee on the matter of this bill that the relief sought should be granted; but he suggested a phraseology for the bill, which language as recommended by the Secretary of the Navy the committee adopted.

The only practical difference between the bill as introduced and the bill as recommended by the Secretary of the Navy and reported from the committee to this House is that the word "honorable" is omitted, the Secretary of the Navy being simply required to furnish a discharge and not an honorable discharge to John Mitchell.

In 1880 Congress passed an act empowering the Secretary of the Navy, in his discretion, to remove the charge of desertion from the records of certain enlisted and appointed men who deserted from the Navy, providing such men deserted after May 1, 1865, and had served faithfully six months prior to May 1, 1865.

The facts of this case are, briefly, as follows:

Mitchell enlisted in the Army May 14, 1861, for two years' service and was mustered out of service and honorably discharged from the Army May 24, 1863. On March 15, 1865, he enlisted in the Navy as a landsman for two years and served until August 26, 1865, when he went home without having been formally discharged.

Had Mitchell served in the Navy six months prior to May 1, 1865, he would have come within the terms of the law of 1888, and would have been entitled to have his war record cleared up by an act of the Secretary of the Navy without any act on the part of Congress.

The Secretary of the Navy has ruled that Mitchell having had a record of honorable service for two years in the Army prior to May 1 and having deserted after the war was over, his case comes within the spirit of the law of 1888, and that Mitchell was entitled to the same relief by a special act of Congress that other enlisted men of the Navy who deserted after May 1, 1865, after having served six months, received under the general act of 1888.

The soldiers and sailors who deserted after May 1, 1865, and who have had the charge of desertion removed from their records in the Navy Department by the Secretary of the Navy received a discharge, and not an honorable discharge.

It is submitted that John Mitchell, on his record as a soldier in the Army, and in view of the fact that he went home after the war was over, and in view of the further facts, as shown by the evidence filed with this committee, that he had a brother who had recently died in the war, and that his father had recently died, and that he went home at the urgent solicitation of his widowed mother, is entitled to some consideration at the hands of Congress.

He was in no sense a deserter, as the term is ordinarily used. He did not turn his back on the enemy; he did not leave his colors when the war was raging; he simply went home when he thought that the work for which he had enlisted was accomplished, when his country was safe, and when a widowed mother's call came to him.

John Mitchell did not know he was deserting the Navy; he did not know it was necessary for him to go through certain formalities in order to be discharged from the service of the Government; and if he had known of the necessity of such steps, he could easily have secured a discharge and could have gone home with an honorable discharge from the Government.

The contention of the gentleman from Illinois [Mr. MANN], that the records of the War and Navy Departments can not and should not be altered or changed is absurd in view of the fact that for years the records of these departments have been changed as regards the records of soldiers in the service of our late wars.

In 1913 Congress passed a bill correcting the war record of one Bartley L. Dennison and construing his discharge to be an honorable discharge as of a certain date. There is no difference between the correcting of a war record and the removing of a war record. When you correct a war record you change the record just as much as when you remove a war record.

I do not know what the President will do with this bill, but I do know that the bill has the sanction of the Secretary of the Navy and that he apparently sees no insuperable objection to the removal of the charge of desertion against John Mitchell.

This man is not asking for a pension in this bill. He believes that his record as a volunteer soldier in the war, his enlistment in the Navy, and the circumstances under which he left the service of the United States Government entitle him to have the charge of desertion removed from his record in the Navy. The matter of a pension he is willing to take up afterwards with the proper authorities.

John Mitchell is asking to have the charge of desertion removed from his record not because he is asking for a pension, but because he feels and believes he was not a deserter when he went home after the war was over, and because he did not know at the time that he was doing something that he had no right to do. He supposed the war was over and that the Government no longer had use for his services, knowing full well that a widowed mother at home had great demand for his services.

Mr. MANN. I should like to ask the gentleman from Wisconsin [Mr. REILLY] a question.

Mr. REILLY of Wisconsin. I yield to the gentleman from Illinois.

Mr. MANN. Does this man expect to get a pension?

Mr. REILLY of Wisconsin. That question has never been raised.

Mr. MANN. Does the gentleman from Wisconsin think that he could get a pension after this bill passed?

Mr. REILLY of Wisconsin. I have been informed that the soldiers and sailors of the war who got relief under the act of 1888 or had charges of desertion removed by virtue of that act are drawing pensions from the Government. These men received from the Government the same kind of a discharge that this bill contemplates that John Mitchell shall receive.

Mr. MANN. My recollection about the law is that a man must have an honorable discharge in order to get a pension.

Mr. REILLY of Wisconsin. That is what the general conception is.

Mr. MANN. That is what the law is, whatever the general conception is.

Mr. REILLY of Wisconsin. As stated before, I have been informed by the Pension Department that the soldiers and sailors who had the charge of desertion removed under the law of 1888, and who received the same kind of certificate of discharge that this bill provides that John Mitchell shall receive, are drawing pensions from the United States Government; but, as stated before, the question of a pension is not the paramount idea in the mind of John Mitchell. John Mitchell is interested in having his war record cleared up, in having this charge of

desertion now on the records of the Navy Department against him removed, because he believes the circumstances of his case are such as to warrant such action on the part of Congress.

Mr. MANN. Mr. Chairman, I do not know but I agree largely in theory with the gentleman from Wisconsin. But what is the use? Here the President vetoes these bills coming from the War Department; and while it is true that the President and the Secretary of War may reverse the ruling, it is also true that in matters of that sort both of them are likely to be guided in the main by the men in the War Department who are permanent, and who fix the policy, or ought to fix it, in the main in matters of that kind. It would certainly be an anomaly to veto a bill relating to the Army and sign a bill relating to the Navy, both alike, vetoing one because it is not in proper form, and signing the other because it is in proper form, when both are in the same form.

Mr. LOBECK. In a report which I have in my hand I find under "Findings of fact"—

III. By Special Orders, No. 121, War Department, A. G. O., dated Washington, March 17, 1866, claimant was, by direction of the President, dropped from the rolls of the Army, to date October 6, 1865, for desertion. An extract from Special Orders, No. 394, War Department, A. G. O., dated July 30, 1866, is as follows: "By direction of the President, upon recommendation of his commanding general, so much of Special Orders, No. 121, paragraph 8, March 17, 1866, from this office, as dropped from the rolls the name of Capt. Guy C. Pierce, Fourth Wisconsin Cavalry, is hereby revoked and he is honorably discharged the service of the United States upon tender of resignation, to date October 6, 1865."

Mr. MANN. What is the gentleman reading from?

Mr. LOBECK. I am reading from the report in the case of Guy C. Pierce.

Mr. MANN. Oh, some other case.

Mr. LOBECK. I want to show that the War Department and the President have reversed their order.

Mr. MANN. But you can not show that, because they have not.

Mr. LOBECK. It says:

By direction of the President, upon recommendation of his commanding general, so much of Special Orders, No. 121, paragraph 8, March 17, 1866, from this office, as dropped from the rolls the name of Capt. Guy C. Pierce, Fourth Wisconsin Cavalry, is hereby revoked, and he is honorably discharged from the service of the United States upon tender of his resignation, to date October 6, 1865.

Mr. MANN. Why, certainly, Congress has passed a general law, as it has the right to pass a law, saying that certain things were not desertion. For instance, after a certain date in 1865, if a man who was in the Army went home and was marked as a deserter, Congress said it was not desertion, and hence the War Department removed the charge of desertion in such cases; but that is an entirely different thing from changing a fact.

Mr. REILLY of Wisconsin. Will the gentleman explain why the Secretary of the Navy, under that theory, said they could not remove the charge of desertion or could not change the records when that has been done in hundreds of cases under the law?

Mr. MANN. The gentleman is mistaken about the law. We have the right to change the articles of war. It has always seemed to me as though Congress had pretty full power under the Constitution, and might say a good many things about the Army and the Navy.

I am calling attention to the distinction which is being made between the Army and the Navy. The gentleman from Virginia [Mr. HAY], if the matter is referred to his Committee on Military Affairs, will not report one of these bills in this shape, because it has been the policy of the War Department that they should not be signed by the President. Are we to make a distinction between that committee and the Naval Committee?

As to the facts in the case, this report is made upon the strength of a report from the Navy Department, and it is claimed that the man served in the Army a certain length of time, and that if that service in the Army had been in the Navy they would have been authorized to grant him a discharge under the general law. The Secretary of the Navy says that if the Mitchell is identical with the one who served in the Navy, as above set forth, he would be entitled to a discharge, and again he says:

Assuming that the Mitchell who served in the Army is identical with the one who served in the Navy, the department, in view of the above, recommends to the favorable consideration of the committee the draft of the bill herewith submitted in lieu of that now in the hands of the committee.

They have no information that I know of, and we have no information, as far as I am informed, that the "if" has been wiped out or that the "assuming" has been wiped out. Of course if the moon were made of green cheese and we would get at it we might do away with the high price of food.

Mr. REILLY of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. REILLY of Wisconsin. These affidavits have been filed with the committee, showing that this man is the same person, and I called the attention of the Navy Department to that very language, and they said they invariably used that language, no matter whether the facts were true or not.

Mr. MANN. I do not care what they said; that statement is not correct as to what the department does.

Mr. REILLY of Wisconsin. That is what they told me.

Mr. MANN. Then the gentleman saw the wrong man. The gentleman can not find another report from the Navy Department in the House in recent years where they used any such language as that.

I reserve the balance of my time.

Mr. MONDELL. Mr. Chairman, I am somewhat familiar with the circumstances under which Congress first began to modify the language of the acts which were intended to relieve to a greater or less extent those who were suffering under charges of desertion. In my early service in the House I had the honor of being placed upon the Committee on Military Affairs, and I was assigned to the very honorable and exceedingly arduous duty of a subcommittee on desertion cases. I think I may truthfully say that I gave more time to the study of the cases before the committee than any man who had served on that committee prior to my service, and I think that my record of inquiry in these matters has not been equaled since unless it has been by the gentleman from Tennessee [Mr. McKELLAR], who has reported so many of these bills which are now upon the calendar, and who has given these cases much attention, and who, I am sure, has gone into them carefully. About the time of the beginning of my service upon that committee Congress awoke to the fact that it had been rather too liberal in correcting military records, and there was a feeling in the House and all over the country that Congress ought to be very careful about taking any action that would place a man who deliberately deserted the colors, particularly in time of war, on a par with a man who had been faithful in his service, and so the committee began to scrutinize these cases more carefully than it had been accustomed to do. There were some fifteen hundred cases at that time, if I recollect right, before the committee, and I think I gave more or less personal study to some 500 of them, careful consideration to more than half that number. I discovered some very curious and some very extraordinary things in connection with some of those applications. About that time Gen. Ainsworth, then at the head of the Record and Pension Division of the War Department, having charge of military records, suggested that instead of changing the record we should in meritorious cases remove the disability under which the charge of desertion placed the soldier, and particularly when the fact was that the man had deserted. In such a case to remove the charge of desertion and to write on the record the statement that he had not deserted would be to write in the record an untruth.

Mr. Chairman, it is too bad that men deserted in the face of the enemy. It is unfortunate that men under different circumstances left the colors and went home, where it was much more comfortable in every way than at the front—it is to be regretted.

Many of those men as they grew older very much regretted their action, and they are good citizens, some of them; and the better citizens they are, the more they regret their conduct. We all live to regret some things we do. We may live them down, we may be forgiven for them, but we can not wipe them out. There ought never to come a time when the record that tells the story of a soldier's service shall tell anything but the facts and the truth. Under certain circumstances and conditions offenses may properly be condoned. Under certain circumstances and conditions the soldier should not suffer the lack of a pension; he should not suffer without some relief the odium which attaches when a soldier has placed against him in an official record a charge of having deserted his flag and service.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In a moment. But if the fact is that he did, through weakness or thoughtlessness or forgetfulness or homesickness, desert, if the fact is that he did not stick, then he is not entitled to the same amount of credit that the man is who, under those same circumstances and conditions and under possibly infinitely more trying conditions, did stay with the colors and did remain loyal. I now yield to the gentleman from Indiana.

Mr. CLINE. I think the gentleman is correct, but I do not understand the gentleman to assume that there may not have

been conditions and circumstances where the record is wrong and ought to be corrected. Is it not possible, for instance, that a soldier might have been detailed to some duty by a superior officer, and the man making up the record makes up a wrong record and states that he is a deserter?

Mr. MONDELL. The question was asked the gentleman from Illinois [Mr. MANN] as to what his opinion is as to the practice of the War Department in correcting a record.

Mr. CLINE. I was wanting to get the gentleman's opinion more than that of anyone else.

Mr. MONDELL. I am prefacing what I am about to say by that observation. The gentleman from Illinois, as I recall, did not express an opinion. My understanding is that one provision of the act of 1888, which I have not the time to read now, does authorize the department in certain cases to correct errors.

It further authorizes the department, where certain acts have been considered acts of desertion, to no longer consider them such and to change the record to that extent. My understanding is that the department holds that it has the right, where the record is clearly in error, possibly a clerical error in transcribing from one record to another, to make those changes, but the cases that we have to consider are not that sort of cases. This man did desert; nobody denies it. Now, I do not altogether agree with the view of the Secretary of the Navy in his letter as to what might be done for this man had conditions been different, and yet I will not say the Secretary is not right; it may be I am wrong, but my opinion is that the charge of desertion could not have been removed from this man had all of his service been in the Navy, because my interpretation of the act referred to is that the service from which the charge of desertion is removed has no relation to some service the man might have rendered at some other time somewhere else, and, therefore, if this man had served in the Army or in the Navy altogether, instead of part of the time in one and part of the time in another, the charge of desertion could not have been removed from his record under the law.

Mr. REILLY of Wisconsin. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. REILLY of Wisconsin. Suppose he had enlisted six months prior to May, 1865, would he not have the right to try to get the Secretary of the Navy to remove the charge?

Mr. MONDELL. It would depend upon conditions; it would depend upon certain conditions.

Mr. REILLY of Wisconsin. Provided the other conditions come in there.

Mr. MONDELL. We have conditions applying to a soldier enlisting in a volunteer organization that do not apply to the Regular Establishment. There are men who served during the Rebellion more than six months who deserted and the charge of desertion is not removed by the act referred to.

Mr. REILLY of Wisconsin. They had to serve up to May 1.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. In just a moment. If a man had enlisted in a volunteer regiment as a volunteer, with the understanding that he would serve during the war, and after the war was over and there was no longer anyone to fight—there was nothing to do but remain in camp—he concluded his services were no longer needed and went home, Congress has said that should not be considered a desertion, provided he had served six months; but that does not apply to a man in the Regular Establishment—does not apply to a man who enlisted with the idea of serving without regard to service in the War of the Rebellion. Now I yield to the gentleman from Illinois.

Mr. MANN. I would like to call the attention of the gentleman from Wyoming to the fifth paragraph of the Secretary's letter. I do not recall the exact provisions of the act of 1888, but the paragraph of the Secretary says that the man—

Shall have served faithfully until May 1, 1865, having previously served six months or more, or shall have been prevented from completing his term of enlistment by reason of wounds received or disease contracted in the line of duty.

Mr. MONDELL. Well, I think—

Mr. MANN. I see that is in the alternative, "or shall have." The gentleman from Wyoming calls my attention to an error I made.

Mr. MONDELL. The gentleman from Illinois further called attention to the fact that, as far as the Navy Department has information, it does not even know whether this John Mitchell is the same John Mitchell who served in the Army in the early part of the war. I understand that matter has been cleared up by affidavits. Now, John Mitchell served, and it is to be hoped he served well. It is said that several years later the same John Mitchell enlisted in the Navy, the inland Navy, the landlocked Navy—rather a safe Navy—the latter part of the war, being stationed on the placid waters of the inland lakes

and rivers. He served, how long—a month, or was it quite a month?

Mr. TOWNER. He served until August 26, 1865.

Mr. MONDELL. He served less than six months, and finally concluded that he would go home. Now he wants us to write into law a statement that he did not go home, that he remained on duty. Should we declare that this valiant landlocked sailor still continued to tread the gunboat deck in defiance of the enemy when, as a matter of fact, he was at home taking care of the cows and chickens, safe and comfortable? I do not think we should do it; not but what I have a kindly feeling for such a man—no doubt he is a good man—but John did go home, and we have no business to say that he did not go home. Now, if Mr. Mitchell is suffering by reason of the fact that he is barred from a soldiers' home because he can not secure a pension, which he can not, it is possible we should relieve him from that particular disability, leaving his record as he made it. We had nothing to do with it then; we have not anything to do with it now. If he had had a little more stamina, a little more enthusiasm, a little more patriotism, he would have served out his time and he would have had an honorable discharge, as many men did who served out their time, on both sides. Now, it has been a long time since Congress ceased passing this kind of bills. I do not recall having seen one in this form for years. We ought not return to that very bad practice, though we may remove a disability which prevents him from drawing a pension or from receiving the benefits of a soldiers' home. With an amendment to the bill, putting it in the usual form, I should not specially object to it, assuming that the two military records have been completely connected and that the desertion was at a time when the man's services were no longer needed by his country.

Mr. NORTON. Mr. Chairman, at first I was not very familiar with this case, and so I listened with a great deal of interest to the argument of the gentleman from Wyoming [Mr. MONDELL]. On general principles I am not personally in favor of removing this stigma of dishonorable discharge from any soldier or any enlisted man in the Navy who deserts without good cause. But after listening to the gentleman from Wyoming I have come to the conclusion from his citations of the law covering other cases that this man Mitchell has a pretty good case and that he has reasonably good ground for having this dishonorable charge removed.

Mr. MONDELL. How a good case, may I ask my friend?

Mr. NORTON. I will be very pleased to tell the gentleman from Wyoming. It appears that if he had served in the Navy for 6 months prior to May 1, 1865, he would come under certain provisions of law that would permit the Secretary of the Navy to remove that charge. Now, it appears that instead of serving in the Navy 6 months prior to May 1, 1865, he, as a matter of fact, served 5 months and 11 days, from the date of his enlistment on March 15 until August 25, 1865, the date of his alleged desertion. Now, the gentleman from Wyoming [Mr. MONDELL] says that this man enlisted in the landlocked Navy of our Great Lakes, and enlisted, as he intimates, at a time and at a place where Mitchell felt safe and secure from the strife and dangers of war, and suggested that he was not the ordinary brave American citizen who is found enlisted in our Navy, but that his enlistment was to secure some temporary employment.

Mr. MONDELL. The gentleman knows that I did not say anything of that sort.

Mr. NORTON. Well, I listened carefully to the gentleman's statements, and I gained from what the gentleman did say that impression of his argument. I further call the gentleman's attention to the fact that some of the most glorious and historic battles that have been fought by the American Navy and our American sailors have been fought on the Great Lakes and by our landlocked Navy. This man Mitchell enlisted when the Civil War was being most bitterly contested between the North and South and—

Mr. MONDELL. At Mound City, Ill.?

Mr. NORTON. Yes; at Mound City, Ill. Can the gentleman inform me where the ships on which this man served were plying?

Mr. MONDELL. Probably on the turbid waters of the Missouri.

Mr. NORTON. Possibly that may have been true.

Mr. MONDELL. Or possibly on the rolling surges of the Mississippi.

Mr. NORTON. It appears that the gentleman does not know where the service of this man was given to his country. I want to say that no facts appear in the report on this bill or elsewhere to indicate that John Mitchell was not just as brave, just as patriotic, and just as worthy an American citizen as any man who enlisted in the Navy of the United States in the trying

days of March, 1865, when the ranks of our Army and Navy were most in need of heroes and brave defenders. It seems when the war drums ceased beating and when the chance of fighting was over, Mitchell became dissatisfied with life in the Navy and took his departure from the Navy without receiving a formal discharge or release. In view of the fact that he served in the American Army during the first two years of the Civil War, it seems unfair and unjust that an honorable discharge should be withheld from him at this time, under all the circumstances of this case.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The motion was agreed to.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill with a favorable recommendation.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. CARLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12161) to remove a charge of desertion against John Mitchell, and had directed him to report the same to the House with a committee amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. HAY. Division, Mr. Speaker.

The House divided; and there were—ayes 32, yeas 3.

So the bill was passed.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 3 minutes p. m.) the House adjourned until Saturday, August 15, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LINTHICUM, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 292) authorizing the President to accept an invitation to participate in an exposition to be held in the city of Panama, and for other purposes, reported the same without amendment, accompanied by a report (No. 1088), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10979) granting a pension to Mary Pierce; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18188) granting an increase of pension of Joseph L. Hall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMALL: A bill (H. R. 18368) to authorize the construction of a lighthouse and fog signal upon Diamond Shoal, at Cape Hatteras, on the coast of North Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS: A bill (H. R. 18369) authorizing the Treasury Department to make certain advances for the relief of the tobacco growers of Kentucky and Tennessee; to the Committee on Appropriations.

By Mr. WINGO: A bill (H. R. 18370) providing for the issuance of Federal reserve notes to producers of cotton, and for other purposes; to the Committee on Banking and Currency.

By Mr. O'HAIR: A bill (H. R. 18371) compensating the privates of the Capitol police force for extra services; to the Committee on Appropriations.

By Mr. KAHN: A bill (H. R. 18372) for erecting a suitable monument to Commodore Uriah P. Levy in the city of Washington, D. C.; to the Committee on the Library.

By Mr. ALEXANDER: A bill (H. R. 18373) to authorize the United States Government to establish and operate a steamship service between ports of the United States and ports of the various countries of South America, and such other ports as may from time to time appear desirable, and to establish a service of value to the national defense in time of war; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 18374) granting an increase of pension to J. A. Neff; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 18375) for the relief of the estate of James E. Morgan, deceased; to the Committee on War Claims.

By Mr. FITZHENRY: A bill (H. R. 18376) to correct the military record of John B. Ford; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 18377) granting an increase of pension to Clara Robinson; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 18378) granting an increase of pension to Henry Hotchkiss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18379) granting an increase of pension to Sarah McDaniel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Socialist Party of Ohio, protesting against the war in Europe; to the Committee on Military Affairs.

Also (by request), petition of certain members of the St. John's Lutheran Church of Ambler, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ALEXANDER: Memorial of the Grant City (Mo.) Chautauqua, favoring an amendment abolishing polygamy in the United States; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of A. D. Gresham and 72 other citizens of Platte City, Mo., favoring the passage of House joint resolution 282; to the Committee on Naval Affairs.

By Mr. CONNELLY of Kansas: Petitions of 50 citizens of Beloit, 29 citizens of Osborne, and 43 citizens of Mankato, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of 34 citizens of Milltown, S. Dak., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Sioux Valley Medical Association, protesting against the Nelson amendment to House bill 6282, the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Port Angeles, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Edna B. Hale, Mrs. Joseph H. Kendrick, W. B. Shepard, Agnes MacKinnen, all of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of the Richardson Drug Co., of Omaha, Nebr., protesting against increasing revenue tax on cigars; to the Committee on Ways and Means.

Also, petitions of H. A. G. Dreibus and A. Lagrotto, both of Omaha, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. O'HAIR: Petition of sundry citizens of the State of Illinois, favoring House joint resolution 282, for the purpose of giving a hearing to Dr. Frederick A. Cook; to the Committee on Naval Affairs.

By Mr. YOUNG of North Dakota: Resolutions of the Dakota Conference of the Evangelical Association; 400 citizens of Lisbon; 300 delegates of the Epworth League of Jamestown; the Christian Endeavor Society of Bismarck; the Fargo College, of Fargo; petitions of sundry citizens of Westhope; 12 citizens of Juanita; various citizens of Kintyre, Braddock, Linton, and Bathgate; and the Christian Endeavor Society of Heaton, all in

the State of North Dakota, all favoring national prohibition; to the Committee on Rules.

Also, petition of A. G. Leonard, of North Dakota, regarding means of distribution of topographic and hydrographic surveys; to the Committee on Expenditures in the Interior Department.

Also, petition of the Fargo Chautauqua Association, relative to abolishing polygamy; to the Committee on the Judiciary.

SENATE.

SATURDAY, August 15, 1914.

(Legislative day of Tuesday, August 11, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII will be proceeded with.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as first in order on the calendar.

Mr. GALLINGER. Let that go over.

Mr. SMOOT. I ask that it may go to the calendar under Rule IX.

Mr. GALLINGER. The Senator presenting it is not present. I think it had better be passed over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will go over. The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will go over.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The resolution (S. Res. 84) providing that any Senator, upon his own request, may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

PUBLICATION OF LAND-OFFICE NOTICES.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was considered as in Committee of the Whole.

Mr. BURTON. I have an amendment to offer to the bill.

The VICE PRESIDENT. There are amendments from the Committee on Public Lands to be acted on first. The amendments will be stated.

The amendments were, on page 1, line 8, to strike out "some certain stated day" and insert "Saturday," and in line 10, to strike out "such day" and insert "each Saturday," so as to make the bill read:

Be it enacted, etc., That whenever the law requires the register of a United States land office to publish a notice for a certain period of time in a newspaper to be designated by him, such publication may be made by publication each week, successively, in a weekly newspaper of general circulation for the prescribed period of time, or by publication once a week on Saturday of each successive week in the daily issue for each Saturday of a daily newspaper of general circulation until such prescribed period of time shall have elapsed from the first day of publication in such daily newspaper.

The amendments were agreed to.

Mr. BURTON. I offer the amendment I am sending to the desk.

The VICE PRESIDENT. The amendment will be stated.